# AMENDED AGENDA PLANNING COMMISSION

116 WEST NEEDLES, BIXBY, OKLAHOMA October 17, 2016 6:00 PM

#### **CALL TO ORDER**

#### ROLL CALL

#### **CONSENT AGENDA**

- 1. Approval of Minutes for the Planning Commission Meeting: September 19, 2016
- 2. LOT SPLIT & LOT COMBINATION-

**BXLS-16.04 KN HOLDING** 

BXLC-16.03 KN HOLDING

**Applicant, K.S. Collins of Collins Land Surveying, Inc.,** Approval of a Lot Split and Lot Combination in Section 13, T17, R13E

**Property Generally Located:** North of 161st Street South and east of Memorial

#### **PUBLIC HEARINGS-NONE**

#### **PLATS**

3. PRELIMINARY PLAT-THE COTTAGES AT QUAIL CREEK, BXPUD-16.03 Applicant, Ricky Jones of Tanner Consulting

Discussion and review of a Preliminary Plat for approximately 8.851 acres for the purpose of a Single-family Residential Development in Section 02, T17, R13E **Property Generally Located:** West of Memorial one-quarter mile and north of 131st Street one-half mile

4. PRELIMINARY PLAT-KUM & GO 835 ADDITION

Applicant, Chris Cloyde of Crafton, Tull & Associates, Inc.

Discussion and review of a Preliminary Plat for approximately 1.32 acres for the purpose of a convenience store in Section 11, T17N, R13E

**Property Generally Located:** In the southwest corner of 131st and Memorial

#### **OTHER BUSINESS**

- **5.** Public hearing and recommendation on a proposed text amendment to the Bixby Zoning Code, Section 11-4-10, Appeals to the District Court. (Authority: Bixby City Code Section 11 5-3)
- **6.** Public hearing and recommendation on proposed text amendments to the Bixby Zoning Code, 11-3-1, Duty of Building Inspector and Other Officials; 11-3-2, Zoning

Persons who require a special accommodation to participate in this meeting should contact Development Services, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: jmohler@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

AGENDA – Bixby Planning Commission, October 17, 2016

Clearance Permit; 11-4-2, Powers of Board; 11-4-4, Notice of Public Hearing; 11-4-5, Fees; 11-4-6, Appeals from Building Inspector; and 11-4-7, Interpretation. (Authority: Bixby City Code Section 11 5-3)

- **7.** Consider, Discuss, and Select a Planning Commission Member to serve as representative for the Comprehensive Plan Consultant Selection Committee
- **8.** Discussion, Review, and Acceptance of the Planning Commission Opening Rules
- **9**. Approval of 2017 Calendar

#### **NEW BUSINESS-NONE**

#### **ADJOURNMENT**

Posted By: <u>City Staff on behalf of Marcae' Hilton</u>

Date: <u>October 14, 2016</u>

Time: <u>5:00PM</u>

Persons who require a special accommodation to participate in this meeting should contact Development Services, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: jmohler@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

#### **MINUTES**

# PLANNING COMMISSION

116 WEST NEEDLES, BIXBY, OKLAHOMA September 19, 2016 6:00 PM

#### **CALL TO ORDER**

**ROLL CALL** 

Members Present: Mr. Tom Holland

Mr. Lance Whisman

Mr. Jerod Hicks

Mr. Larry Whiteley

Members Absent: Mr. Steve Sutton

#### **STAFF PRESENT:**

Patrick Boulden, Esq., City Attorney

Marcaé Hilton, City Planner

Jason Mohler, Development Services Director & City Engineer (DSD)

#### **CONSENT AGENDA-Lance Whisman, PC Chair**

- 1. Approval of Minutes for the Planning Commission Meeting:
  - a. May 31, 2016
  - b. June 20, 2016
  - c. July 18, 2016
  - d. August 15, 2016

**APPROVED: 4-0-0** 

#### **PUBLIC HEARINGS-Lance Whisman, PC Chair**

2. **ZONING AND PUD REQUEST FOR CONRAD FARMS,** Applicant, Ricky Jones of Tanner Consulting

**BXZO-16.06 CONRAD FARMS** (DEVELOPMENT AREA A & B)

**BXZO-16.07 CONRAD FARMS** (DEVELOPMENT AREA C-1)

BXPUD-16.04 CONRAD FARMS (A MAJOR AMENDMENT TO PUD 75 & 85)

Discussion and Recommendation on the approval of two (2) ZONING requests *BXZO-16.06 & BXZO-16.07 CONRAD FARMS* and approval of the companion PUD request *BXPUD-16.04 CONRAD FARMS* (A MAJOR AMENDMENT TO PUD 75 AND 85); the zoning requests propose to change DEVELOPMENT AREA A & B from AG (Agriculture) to CG (General Commercial District), and DEVELOPMENT AREA C-1 from AG (Agriculture) to RMH (Residential Mobile Home) or RS-3 (Residential Single-family) with the proposed companion PUD for the purpose of a Master Planned, Multiuse Development; 182.19 acres in part of Section 23, T17N, R13E; the property is generally located near the 7400 Block of 151st E. Ave-and spans in-part west to Sheridan and from 151st Street south to 161st Street

**REQUEST:** (Marcae' Hilton, City Planner) Zoning Changes

- DEVELOPMENT AREA A & B from AG (Agriculture) to CG (General Commercial District)
- DEVELOPMENT AREA C-1 from AG (Agriculture) to RMH (Residential Mobile Home) or RS-3 (Residential Single-family)
- Recommendation of Approval of proposed companion PUD (Planned Unit Development)

#### **EXISTING ZONING:**

DEVELOPMENT AREA A & B, AG (Agriculture)
DEVELOPMENT AREA C-1, AG (Agriculture)

DEVELOPMENT AREA C & D, RS-3 (Residential Single Family) &

PUD 85-CONRAD FARMS

DEVELOPMENT AREA E, RM-2 (Residential Multi-family) & PUD

75-LEANN ACRES

**REQUESTED ZONING:** DEVELOPMENT AREA A & B, CG (General Commercial)

DEVELOPMENT AREA C-1, RMH (Residential Mobile Home) or

RS-3 (Residential Single-family)

DEVELOPMENT AREA C & D, NO CHANGE DEVELOPMENT AREA E, NO CHANGE

ENTIRE TRACT, PUD-BXPUD-16.04 CONRAD FARMS (A MAJOR

AMENDMENT TO PUD 75-LEANN ACRES AND PUD 85-CONRAD FARMS)

**LOCATION:** Near the 7400 Block of 151st E. Ave-and spans in-part west to

Sheridan and from 151st Street south to 161st Street

STR: Section 23, T17N, R13E

**LOT SIZE:** 182.19 Acres

**EXISTING USE:** One Dwelling, Undeveloped Agriculture, Vacant Commercial

**Buildings** 

**PROPOSED USE/DETAILS:** The applicant requests a Major Amendment to PUD 75 and 85 in an effort to provide a Master Plan including long term phased development areas, which encompass the former Conrad Farms (PUD 85-never developed), Leann Acres (PUD 75-never developed) along with newly purchased project areas.

DEVELOPMENT AREA A, 5.145 acres, CG (General Commercial), Uses permitted as a matter of

right in CS (Commercial Shopping) excluding "sexually oriented" uses

Use Units 1, 4, 5, 10, 11, 12, 13, 14, 19 allowed by right

Code for CG PUD

Floor Area Ratio: .75 .75 Building Height: 5 stories or 70 FT 40 FT

Street Frontage: 100 FT Arterial 100 FT public or private

50 Non-arterial 0

AGENDA – Bixby Planning Commission, September 19, 2016



T/151ST/STREET/SOUTH

Setbacks:

Arterial 50 FT 50 FT from ROW Non-arterial 25 FT 20 FT from ROW

Other Lots 10 FT (residential) 0 FT

DEVELOPMENT AREA B, 10.914 Acres, CG (General Commercial) uses permitted by right in CG and by Special Exception and /or PUD including only "office –warehouse" / "trade center" and ministorage uses (Use Units 15, 16, 17, and 23), and customary accessory uses, excluding "sexually oriented" uses, open air storage is prohibited

Use Units 1, 4, 5, 10, 11, 12, 13, 14, 17, 18, 19 allowed by right

Use Units 15, 16, 17 and 23 including only "office warehouse," "trade center," & mini-storage

Code for CG PUD .75 .75

Building Height: 5 stories or 70 FT 40 FT

Street Frontage: 100 FT Arterial 30 FT public or private

50 Non-arterial 0

Setbacks:

Floor Area Ratio:

Arterial 50 FT -

Non-arterial 25 FT 20 FT from ROW

Other Lots 10 FT (residential) 0 FT

DEVELOPMENT AREA C-1, 6.097 Acres, RMH (Residential Mobile Home) or \*RS-3 (Residential Single-family), Use Unit 9 manufactured home dwelling units, customary accessory uses including management office and private recreation, laundry, and storage facilities, and Use Unit 5 common area facilities such as club house, swimming pool, playground and recreational open space

\*if not developed as a manufactured home park, Development Area C-1 shall be developed according to the use and development standards for development Area C

Code for RS-3 PUD
Max No. of Units: - 48

Min Tract Width 100 FT 0 FT-30 FT of frontage on dedicated street
Min Street Frontage 22 FT 0 FT-30 FT of frontage on dedicated street

Min RMH TRACT: 5 Acres 5 Acres (see PUD for details)

Land Area/Unit: 5,445 sq. FT

Building Height: 1 story 1 story

Min Livability: 300 SF (see PUD for details)

Yard Setbacks:

Front: 5 FT (PUD)
Rear: 10 FT (PUD)
Side Yard/Street: 5/10 FT (PUD)
Separation: 15 FT (PUD)

Residential Minor
Street

Colored

Colo

AGENDA – Bixby Planning Commission, Septemb

**DEVELOPMENT AREA C, 97.136 acres, RS-3 (Residential Single Family)** 

Use Unit 6, detached residential dwelling units, single family, patio homes, customary accessory uses

Use Unit 5 common area facilities such as clubhouse, swimming pool, playground, and recreational open space

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	Code for RS-3	PUD
Max No. of Lots:	-	400
Min Dwelling Size:	-	1,600 FT Residential Minor
Min Masonry 1st Fl.	-	80%
Min Lot Width:	65 FT	60 FT
Min Lot Size:	6,900 SF	6,900 SF
<b>Building Height:</b>	3 stories or 48 FT	2 stories or 35 FT
Min Livability:	4,000 SF	2,000 SF
Yard Setbacks:		Conector Street
Front:	25 FT/35 FT	20 FT
Rear:	20 FT	20 FT
Side Yard/Street:	-	15 FT
Side Yard	5/5 FT	5/5 FT
		CAST IGIST GIRE OF SOUTH

DEVELOPMENT AREA D, 62.688 Acres, RS-3 (Residential Single Family) Use Unit 6, detached residential dwelling units, single family, patio homes, customary accessory uses, including Use Unit 5 common area facilities such as clubhouse, swimming pool, playground, and recreational open space

open space		
	Code for RS-3	PUD
Max No. of Lots:	-	300
Min Dwelling Size:	-	1,200 FT Residential Minor
Min Masonry 1st Fl.	-	80%
Min Lot Width:	65 FT	60 FT
Min Lot Size:	6,900 SF	6,900 SF
Building Height:	3 st./48 FT	2 stories or 35 FT
Min Livability:	4,000 SF	2,000 SF
Yard Setbacks:		Collector Stroet
Front:	25 FT/35 FT	20 FT
Rear:	20 FT	20 FT
Side Yard/Street:	-	15 FT
Side Yard	5/5 FT	5/5 FT
		The second secon

DEVELOPMENT AREA E, 7.283 Acres, RM-2 (Residential Multi-family) Use Unit 6, detached residential dwelling units, single family, patio homes, customary accessory uses, including Use Unit 5 common area facilities such as clubhouse, swimming pool, playground, and recreational open space

	Code for RS-3	Code for RM-2	PUD	
Max No. of Lots:	-	-	30	
Min Dwelling Size:	-	-	N/A	
Min Masonry 1st Fl.	-	-	N/A	
Min Lot Width:	65 FT	60 FT	60 FT	
Min Lot Size:	6,900 SF	6,000 SF	6,900 SF	
Building Height:	3 st. /48 FT	3 st. /48 FT	2 stories and 35 F	
Min Livability:	4,000 SF	400 SF	2,000 SF	
Yard Setbacks:				
Front:	25 FT /35 FT	25 FT /35 FT	20 FT	
Rear:	20 FT	10 FT	20 FT	
Side Yard/Street:	-	-	15 FT	
Side Yard	5/5 FT	10/10 FT	5/5 FT	
Other Bulk and Area Requirements: as required in RS-3				



**PUBLIC INPUT:** (0)

#### **BACKGROUND INFORMATION:**

#### **SURROUNDING ZONING AND LAND USE:**

North: AG-undeveloped agriculture parcel (across 151st Street)

West: AG-single family residential and undeveloped agriculture parcel, far west CH-

Commercial Heavy and RMH-Residential Mobile Home

South: AG-undeveloped agriculture parcel

East: Bixby Creek, Commercial-CS and CG, IL-Industrial Light and single family residential.

#### **COMPREHENSIVE PLAN:**

Land Use Intensities: Development Sensitive, Low Intensity

Land Use: Commercial, Vacant, Agricultural, Rural Residences, and Open Land

Urban Design Elements: Corridor

Public Facilities: Proposed Regional Trails

#### **ATTACHMENTS:**

- 1. Ariel Map
- 2. Case Maps (3)
- 3. PUD
- 4. GO PLAN Trails Map

Staff believes the proposed Zoning request meets the requirements of the Zoning Regulations and Land Use objectives.

Staff believes the proposed Master Planned PUD request meets the requirements of the Zoning Regulations and Land Use objectives per Ordinance 272, 4-2-1974: 11-7I-2:

PURPOSES: <sup>©</sup> =

The purposes of the planned unit development are to:

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;
- C. Provide and preserve meaningful open space; and
- D. Achieve a continuity of function and design within the development.

**STAFF RECOMMENDATION:** Staff recommends Approval of BXZO-16.06, BXZO-16.07 and BXPUD-16.04 CONRAD FARMS (A MAJOR AMENDMENT TO PUD 75 & 85) with the following conditions (not a complete list):

- 1. Approve Zoning for Development Area C-1 as RMH
- 2. All PUD changes shall be corrected before submittal to City Council
- 3. Correct the title to read:

CONRAD FARMS, BXPUD-16.04 (A MAJOR AMENDMENT TO PUD 75 & 85)

- 4. Per Emergency Services, provide a third access once development builds single family dwelling 251
  - a. Provide third access on site layout (multiple options are acceptable)
  - b. Provide supportive language in PUD
- 5. Provide language as follows:
  - c. Requiring stub out streets to adjacent undeveloped properties
  - d. Requiring connection from Development in NW corner to Commercial Development on Corner of 151st Street and Sheridan (Pedestrian/Bicycle minimum)
  - e. Detailed concepts for each Development (modify language below as needed):
    - i. Each development will be phased
    - ii. "All Residential Development will be platted, the Plat will serve as a Site Plan for each phase"
    - iii. "All Commercial Development will be platted and go through the Site Plan Process as developed"
  - f. Identification/location of small housing vs. large housing in each development area designating larger houses adjacent to arterial streets
- 6. Provide conceptual drainage report
- 7. Compare and contrast: NEW PUD OLD PUD'S BIXBY CODE
- 8. Elaborate on the amenity plan for development areas
- 9. INCLUDE TRAILS LANGUAGE-refer to Go Plan if needed
  - g. Acknowledge the trails adjacent to property along Bixby Creek will be developed

h. Identify trails as an amenity

i. Create language requiring access from development areas to trail

**DISCUSSION:** Justin Morgan, Tanner Consulting

Brian Green, Ira M. Green Construction

**PUBLIC INPUT:** Gerry Tobia, 15425 South Sheridan, Bixby, OK

(2) Additional persons signed up but did not speak, their

questions had been answered.

**MOTION TO APPROVE: Jerod Hicks** 

DULY SECONDED: APPROVED: 4-0-0

#### **OTHER BUSINESS**

3. Discussion and action to set a public hearing on a proposed text amendment to the Bixby Zoning Code, Section 11-4-10, Appeals to the District Court. (Authority: Bixby City Code Section 11 5-3)

**MOTION TO APPROVE: Tom Holland** 

**SECOND: Larry Whiteley** 

**APPROVED: 4-0-0** 

4. Discussion and action to set a public hearing on a proposed text amendments to the Bixby Zoning Code, 11-3-1, Duty of Building Inspector and Other Officials; 11-3-2, Zoning Clearance Permit; 11-4-2, Powers of Board; 11-4-4, Notice of Public Hearing; 11-4-5, Fees; 11-4-6, Appeals from Building Inspector; and 11-4-7, Interpretation. (Authority: Bixby City Code Section 11 5-3)

**MOTION TO APPROVE: Tom Holland** 

**SECOND: Larry Whiteley** 

**APPROVED: 4-0-0** 

#### **NEW BUSINESS**

**Jared Hicks, Planning Commissioner-** shared some City Council direction regarding Planning Commission recommendations, and time constraints.

#### **ADJOURNMENT**



# CITY OF BIXBY P.O. Box 70 116 W. Needles Ave. ~ Bixby, OK 74008

(918) 366-4430

# STAFF REPORT

**To:** Bixby Planning Commission

**From:** Marcae' Hilton, City Planner

**Date:** Monday, October 17, 2016

**RE:** Report and Recommendations for:

BXLS-16.04 KN HOLDING BXLC-16.03 KN HOLDING

**BXLS-16.04 KN HOLDING**, a Lot Split request for applicant KS Collins, P.L.S. on behalf of K&N Holding, LLC. & Noah Webster Easton Jr. as Trustee of the Noah Webster Easton and Betty Jo Easton Revocable Family Trust dated December 7, 2009

**BXLC-16.03 KN HOLDING**, a Lot Combination request for applicant KS Collins, P.L.S. on behalf of K&N Holding, LLC.

**Property Generally Located:** North of 161st Street South and east of Memorial, in Section 13, T17, R13E

**REQUEST:** Lot-Split approval (in conjunction with a Lot-Combination request)

**LOCATION:** North of 161st Street South and east of Memorial

**STR:** Section 13, T17N, R13E

**LOT SIZE:** 0.06 ACRES

**ZONING:** IL (Industrial Light District)

**EXISTING USE:** Manufacturing on Tract #1, Single-Family Residential on Parent

Tract, no use on Tract #2 (parcel to be split/combined)

Staff Report: BXLS-16.04, BXLC-16.03 KN HOLDING

**PROPOSED USE:** This parcel will be combined with Tract #1 for Manufacturing

**PUBLIC INPUT:** (0)

#### **BACKGROUND INFORMATION:**

The applicant requests the 0.06 acres be split from the Parent Tract to create a 90 degree corner for the manufacturing tract (Tract #1). It is a practical request with no other motivation known to staff.

#### **COMPREHENSIVE PLAN:**

Land Use Intensities: High Land Use: Industrial Area

Urban Design Elements: Corridor

#### **ATTACHMENTS:**

- 1. Tract #1
  - a. Exhibit
  - b. Legal Description
- 2. Tract #2
  - a. Exhibit
  - b. Legal Description
- 3. Ariel Map

Staff believes the proposed Lot Split and Lot Combination request meets the requirements of the Zoning Regulations and Land Use objectives.

**STAFF RECOMMENDATION:** Staff recommends Approval of **BXLS-16.04 KN HOLDING & BXLC-16.03 KN HOLDING** with the following conditions:

1. Submittal of Deeds to City of Bixby for Stamping before filing at Tulsa County Court House.

# COLLINS LAND SURVEYING, INC. 3340 West 151st Street South P.O. Box 250 Kiefer, Ok 74041 Ph. 918-321-9400 Fax 321-9404

REF. NO. 16-03-098

#### "ATTACHMENT"

#### LEGAL DESCRIPTION (Tract 1)

A tract of land situated in the S/2 of the SW/4 of Section 13, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, being a portion of land described in Quit Claim Deed at Doc. No. 2016009964, filed 02/05/2016, more particularly described as follows, to-wit:

Commencing at the SW/C of Lot 5, Block 4, Privett Addition to the City of Bixby, Tulsa County, Oklahoma, according to the recorded plat thereof, thence S 89°32'20" W and parallel to the South line of said S/2 SW/4 for 436.93 feet to a point, thence N 00°02'14" W and parallel with the West line of Privett addition for 65.00' to the POB, thence continuing N 00°02'14" W and parallel with the West line of Privett addition for 13.57 feet, thence S 89°32'20" W for 38.17 feet, thence N15°08'24" E for 150.10 feet, thence N 00°02'14" W and parallel with the West line of Privett addition for 103.65 feet, thence N 89°32'20" E and parallel to the South line of said of S/2 SW/4 for 133.84 feet to a point on the West Right-of-Way of Armstrong St., thence S 00 0 2'14" E and along said Right-of-Way for 261.80 feet, thence S 89°32'20" W and parallel to the South line of said S/2 SW/4 for 129.23 feet to the POB.

## Less and Except;

Commencing at the Southwest corner of the above described tract; thence N 00°02'14" W a distance of 13.57 feet to the Point of Beginning; thence S89°32'20" W a distance of 38.17 feet; thence N 15°08'24" E a distance of 150.10 feet; thence S00°02'14" E a distance of 144.59 feet to the point of beginning.

Legal description written on 09/06/2016 by K. S. Collins, R.L.S. #1259 in and for the State of Oklahoma.

LOT SPLIT BXLS-16.04 KNHOLDING OCTOBER ALT NEW PAGE 12 of 52

### COLLINS LAND SURVEYING, INC. 3340 West 151st Street South P.O. Box 250 Kiefer, Ok 74041 Ph. 918-321-9400 Fax 321-9404

REF. NO. 16-03-098

#### "ATTACHMENT"

# **LEGAL DESCRIPTION (Tract 2)**

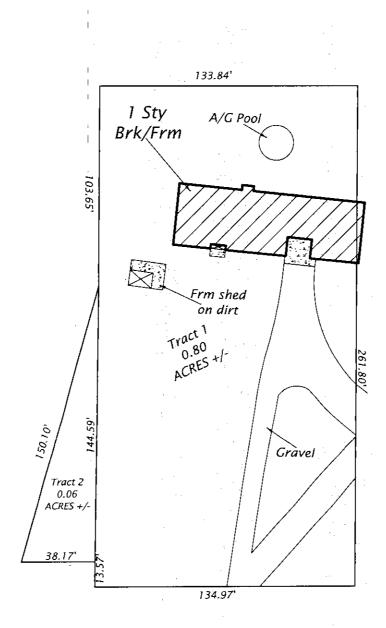
A tract of land situated in the S/2 of the SW/4 of Section 13, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, being a portion of a tract of land described in Quit Claim Deed at Doc. No. 2006009964, filed 02/05/2016, more particularly described as follows, to-wit:

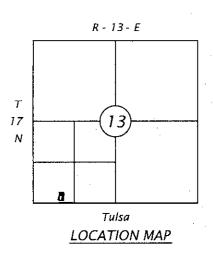
Commencing at the Southwest corner of said tract; thence N 00°02'14" W a distance of 13.57 feet to the Point of Beginning; thence S89°32'20" W a distance of 38.17 feet; thence N 15°08'24" E a distance of 150.10 feet; thence S00°02'14" E a distance of 144.59 feet to the point of beginning.

Legal Description written on 09/06/2016 by K.S. Collins, R.L.S. #1259 in and for the State of Oklahoma.

LOT SPLIT
BXLS-16.04 KNHOLDING
OCTOBER 17, 2016
TRACT 1 AGENDA PKT 10.17.16 Page 13 of 52

NORTH





**LOT SPLIT BXLS-16.04 KNHOLDING** OCTOBER 17, 2016

K.S. Collins P.L.S. #1259 State of Oklahoma

COLLINS LAND SURVEYING, INC. 3340 W. 151st ST. S. - P.O. Box 250

KIEFER, OK. 74041

OFFICE (918)321-9400 FAX (918)321-9404

CA#2656 EXPIRES: 06/30/2016

Sketch of Proposed Lot Split

Performed For:

N.M.B. Manufacturing

J.O. NO. 16-03-098

DATE: 03/22/2016

# COLLINS LAND SURVEYING, INC. 3340 West 151st Street South P.O. Box 250 Kiefer, Ok 74041 Ph. 918-321-9400 Fax 321-9404

REF. NO. 16-03-098

#### "ATTACHMENT"

#### LEGAL DESCRIPTION (Tract 2)

A tract of land situated in the S/2 of the SW/4 of Section 13, Township 17 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, being a portion of a tract of land described in Quit Claim Deed at Doc. No. 2006009964, filed 02/05/2016, more particularly described as follows, to-wit:

Commencing at the Southwest corner of said tract; thence N 00°02'14" W a distance of 13.57 feet to the Point of Beginning; thence S89°32'20" W a distance of 38.17 feet; thence N 15°08'24" E a distance of 150.10 feet; thence S00°02'14" E a distance of 144.59 feet to the point of beginning.

Legal Description written on 09/06/2016 by K.S. Collins, R.L.S. #1259 in and for the State of Oklahoma.

This tract not to be sold, transferred or deeded unless combined with tract of land described at Document 2014068882 in General Warranty Deed, dated 08/06/2014.

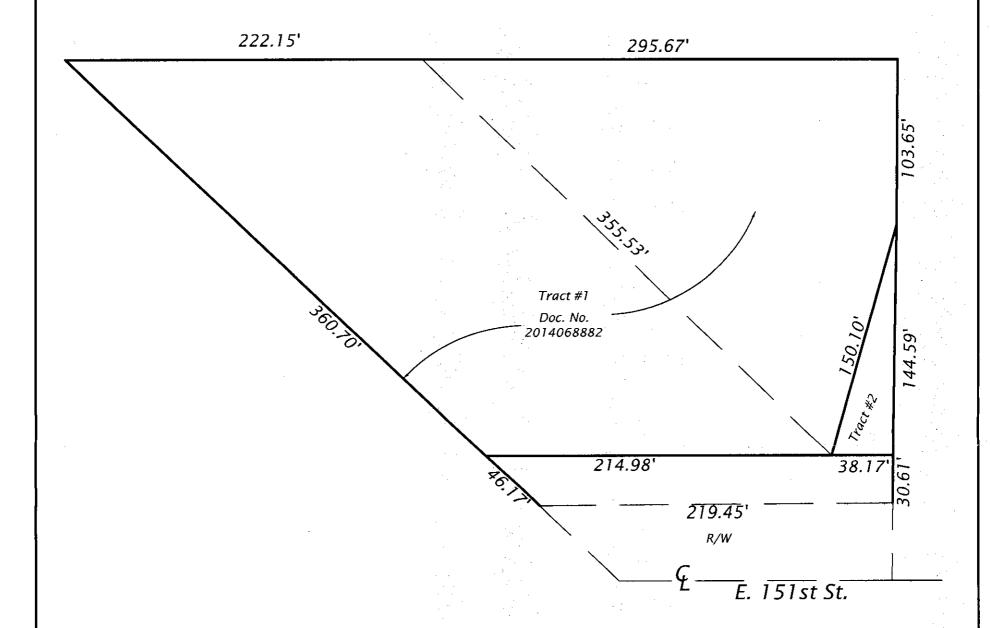
LOT SPLIT/LOT COMBO
BXLS-16.04 KNHOLDING-SPLIT
BXLC-16.03 KNHOLDING-COMBO
OCTOBER 17, 2016
TRACT 2

AGENDA PKT 10.17.16 Page 15 of 52

SCALE: 1"=60'

NORTH

### See Attachment for Legal Descriptions



# **CERTIFICATE**

I K.S. COLLINS, REGISTERED LAND SURVEYOR #1259 IN AND FOR THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT AND LEGAL DESCRIPTION REPRESENTS A SKETCH FOR A LOT SPLIT PERFORMED UNDER MY DIRECT SUPERVISION. THE ABOVE PLAT MAY BE SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAYS OF RECORD. NO RESEARCH OF ABSTRACT OR RECORD OFFICES HAS BEEN CONDUCTED, AND NO PROPERTY CORNERS HAVE BEEN SET.

K.S. COLLINS OKLAHOMA REGISTERED LAND SURVEYOR NO. 1259

SEAL

LOT SPLIT/LOT COMBO BXLS-16.04 KNHOLDING-SPLIT BXLC-16.03 KNHOLDING-COMBO OCTOBER 17, 2016 TRACT 2

COLLINS LAND SURVEYING, INC.

3340 W. 151st ST. S. - P.O. Box 250 KIEFER, OK. 74041

OFFICE (918)321-9400 FAX (918)321-9404 CA#2656 EXPIRES: 06/30/2018

PROPOSED LOT COMBO

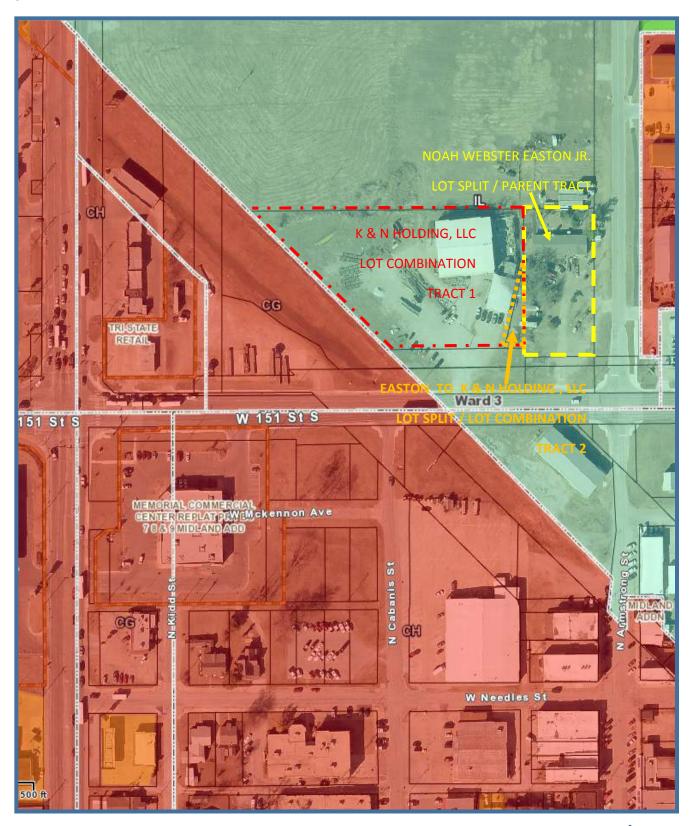
N.M.B. Manufaturing

J.O. NO. 16-03-098

DATE: 09/27/2016

# BXLS-16.04 KN HOLDING BXLC-16.03 KN HOLDING

# **AERIAL MAP**







P.O. Box 70 116 W. Needles Ave. Bixby, OK 74008

(918) 366-4430

# STAFF REPORT

**To:** Bixby Planning Commission

**From:** Marcae' Hilton, City Planner

**Date:** Monday, October 17, 2016

**RE:** Report and Recommendations for:

PRELIMINARY PLAT-THE COTTAGES AT QUAIL CREEK, BXPUD-16.03,

**Applicant, Ricky Jones of Tanner Consulting** 

Discussion and review of a Preliminary Plat for approximately 8.851 acres for the purpose of a Single-family Residential Development in Section 02, T17,

R<sub>13</sub>E

Property Generally Located: West of Memorial one-quarter mile and north of

131st Street one-half mile

**REQUEST:** Approval of Preliminary Plat, The Cottages at Quail Creek, BXPUD-

16.03

**EXISTING ZONING:** RS-3 (Residential Single Family District) & PUD (BXPUD-16.03)

COTTAGES AT QUAIL CREEK), Approved at City Council on

September 12, 2016

**LOCATION:** West of Memorial one-quarter mile and north of 131st Street South

one-half mile

**STR:** Section 2, T17N, R13E

**SIZE OF TRACT:** 8.851Acres

**LOT INFO:** 40 Lots

2 Block

Staff Report – COTTAGES AT QUAIL CREEK PRELIMINARY PLAT 10.17.16

#### 1 Reserve

**PUBLIC INPUT:** No known comments

#### **BACKGROUND INFORMATION:**

#### SURROUNDING ZONING AND LAND USE:

**North:** PUD 76:CG-Commercial General District-partially developed as Single-family Residential and partially undeveloped

West: PUD 76:CG-Commercial General District-developed as Single-family Residential

with (AG) and Frye Creek Ditch #1 to the far west of PUD development **South:** (AG)-undeveloped agriculture parcel-Frye Creek Ditch #1

**East:** RM-Residential Multi-family development (Encore on Memorial)

#### **GENERAL HISTORY:**

The applicant received approval from City Council on September 12, 2016, for a change in Zoning from AG to RS-3 along with BXPUD-16.03 *Cottages of Quail Creek* in order to complete the next phase of the Quail Creek of Bixby and Quail Creek Villas of Bixby development.

Special attention has been given to the Reserve Area which is combined with Reserve A and Lot 40, Block 2, of Quail Creek (Plat #6613) to provide a neighborhood amenity containing accommodations such as a pool, clubhouse, and play area. This collective area, located in the northwest corner of the plat will serve as the second point of access to the subdivision and as a connector street to Quail Creek. Reserve A and Lot 40, Block 2, Quail Creek of Bixby will be replatted with Cottages at Quail Creek and residents of the various Quail Creek subdivisions will make use of the combined area. There is still an outstanding Minor Amendment to PUD 76 requirement for Quail Creek; the amendment will allow Lot 40 Block 2 to serve a use other than residential.

The Technical Advisory Committee (TAC) heard this item on Wednesday, October 05, 2016. Tanner will be coordinating closely to identify the actual location of the Utilities and amenities. TAC and Fire Marshal comments are included in the report. Staff requests all outstanding comments be resolved before submittal of the Final Plat to City Council.

Staff believes the *Preliminary Plat for The Cottages at Quail Creek* meets the requirements of the Zoning Regulations and Bixby Land Use.

#### **COMPREHENSIVE PLAN:**

Land Use Intensities: None

Land Use: None

Urban Design Elements: Corridor

#### **EXHIBITS:**

Preliminary Plat Aerial Map

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval of the Preliminary Plat *The Cottages at Quail Creek, BXPUD-16.03* subject to the resolution of comments from Staff and TAC.

#### TAC COMMENTS:

- 1. Reserve Area A causes some problems for PSO-AEP
- 2. COX-does not have anything there yet, but easement location is critical
- 3. BTC-has access but (per Justin) Dodson knows that relocation most likely will take place. No decision on easement vacation. Trying to look at easement locations & what needs to be moved or left alone. BTC has some issues to be worked out.
- 4. ONG-needs easement along / in reserve area A
- 5. Fire Marshal believes there are really no issues
- 6. BTC-Concerned with storm-sewer pipe within cul-de-sac roads and room for all utilities.

#### PLANNING COMMENTS: (Not Complete List)

- 7. Before the City Council Final Plat hearing:
  - a. Please provide release letters from all utility companies serving the subdivision as per Subdivision Regulations Section 12-2-6.B
  - b. Please have plat corrections completed and be ready to run your prints before the City Council meeting
- 8. Provide Utility location drawings to City and TAC for additional consideration before submittal of Final Plat
- 9. Complete the minor amendment to PUD 76 (Plat #6613) to allow Lot 40, Block 2 to serve as an amenity rather than a Single-family residence

#### FIRE MARSHAL COMMENTS

- 10. All hydrants shall be operable before construction begins. Hydrants shall be located no further than 600 feet apart. (Submit water plans to this office prior to final plat approval)
  - a. Brand- AVK or Mueller, Color- Chrome Yellow
  - b. Hydrants shall be located at the entry of any cul-de-sacs.
- 11. All roads and Second means of access capable of supporting an imposed load of 75,000 pounds shall be in place before construction begins. (IFC 2015 Appendix D)
  - a. Cul-de-sacs shall be designed to meet IFC 2015 Figure D130.1
  - b. Fire lanes and signage may be required for second entrance.
  - c. Grades shall not exceed 10%

ENGINEERING COMMENTS: FORTHCOMING



# Scale: 1"= 50' **Tanner Consulting**

# **LEGEND**

**ESMT** 

RES

U/E

**BUILDING LINE BUILDING LINE & UTILITY EASEMENT** FENCE & LANDSCAPE **EASEMENT** CENTERLINE DELTA

DOCUMENT **EASEMENT RADIUS** RESERVE UTILITY EASEMENT ASSIGNED ADDRESS

FORTY (40) LOTS IN TWO (2) BLOCKS WITH ONE (1) RESERVE **GROSS SUBDIVISION AREA: 8.851 ACRES** 

SUBDIVISION CONTAINS:

# Preliminary Plat

# The Cottages at Quail Creek

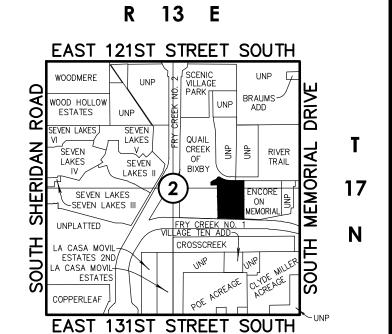
A REPLAT OF LOT 40 BLOCK 2 AND RESERVE A OF QUAIL CREEK OF BIXBY AND PART OF THE EAST HALF (E/2) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

# OWNER/DEVELOPER:

121st & Memorial, LLC CONTACT: RICK DODSON 6528 East 101st Street South D-1, Suite 409 Tulsa, Oklahoma 74133 Phone: (918)638-3003

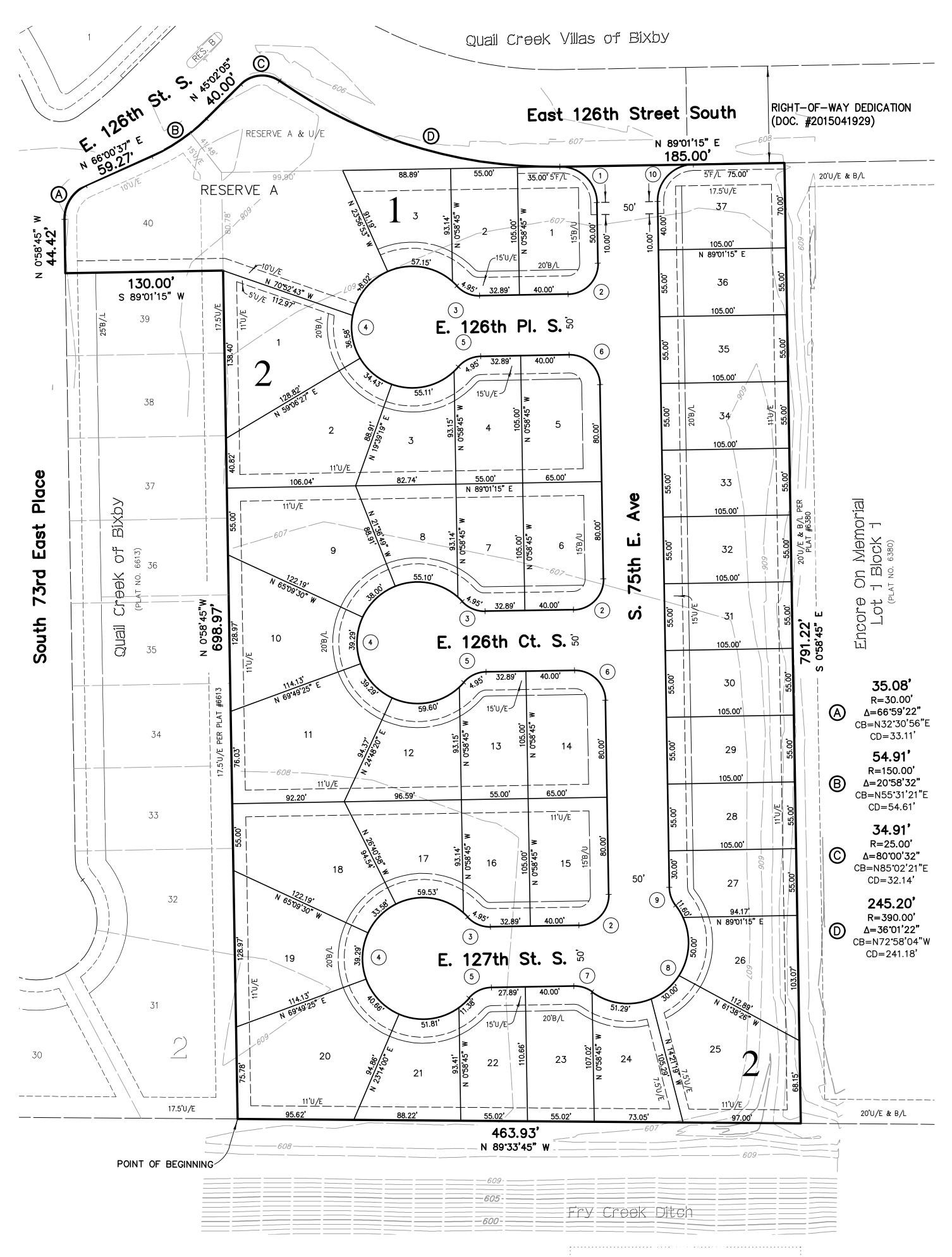
# SURVEYOR/ENGINEER:

Tanner Consulting, L.L.C. DAN E. TANNER, P.L.S. NO. 1435 OK CA NO. 2661, EXPIRES 6/30/2017 5323 South Lewis Avenue Tulsa, Oklahoma 74105 Phone: (918)745-9929



**Location Map** Scale: 1"= 2000'

	~	m 11				
(	<u>Curve</u>	<u>Table</u>				
	CURVE	LENGTH(L)	RADIUS(R)	DELTA()	CHORDBRG(CB)	CHORDDIS(CD)
	1	47.12'	30.00'	<b>90,00,00</b> ,	N45°58'45"W	42.43'
	2	39.27'	25.00'	<b>90,00,00</b> ,	N44°01'15"E	35.36'
	3	21.03'	25.00'	48°11'23"	N66°53'04"W	20.41'
	4	72.97'	50.00'	83°37′14"	N0°58'45"W	66.67'
	5	21.03'	25.00'	48°11'23"	N64°55'34"E	20.41'
	6	39.27'	25.00'	90,000,00,	N45°58'45"W	35.36'
	7	16.09'	25.00'	36°52′12′	N72°32'39'W	15.81'
	8	142.89'	50.00'	163°44'23"	N44°01'15"E	98.99'
	9	16.09'	25.00'	36°52′12′	N19°24'51"W	15.81'
	10	47.12'	30.00'	90,000,00,	N44°01'15"E	42.43'



# Notes:

- 1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- 2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RIS 1435" UNLESS OTHERWISE NOTED.
- 3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).
- 4. ACCESS AT THE TIME OF PLAT WAS PROVIDED BY EAST 126TH STREET SOUTH BY VIRTUE OF RIGHT-OF-WAY DEDICATED BY FINAL PLAT OF "QUAIL CREEK OF BIXBY", AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (PLAT # 6613).
- 5. ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.

DATE OF PREPARATION: September 16, 2016

# FINAL PLAT CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Bixby.

# MAYOR-VICE MAYOR

This approval is void if the above signature is not endorsed by the City Manager or City Clerk.

CITY MANAGER-CITY CLERK

The Cottages at Quail Creek SHEET 1 OF 3

# Preliminary Plat PUD-BXPUD-16.03 The Cottages at Quail Creek

A REPLAT OF LOT 40 BLOCK 2 AND RESERVE A OF QUAIL CREEK OF BIXBY
AND PART OF THE EAST HALF (E/2) OF SECTION TWO (2),
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

# DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT 121ST AND MEMORIAL LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS ALL OF LOT FORTY (40), BLOCK TWO (2) AND ALL OF RESERVE 'A', "QUAIL CREEK OF BIXBY", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6613), AND A PART OF THE EAST HALF OF (E/2) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT THIRTY-ONE (31), BLOCK TWO (2) OF SAID SUBDIVISION; THENCE NORTH 0°58'45" WEST ALONG THE EAST LINE OF THE SUBDIVISION, FOR A DISTANCE OF 698.97 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 40; THENCE SOUTH 89°01'15" WEST AND ALONG THE SOUTH LINE OF LOT 40, FOR A DISTANCE OF 130.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 0°58'45" WEST AND ALONG THE WEST LINE OF LOT 40, FOR A DISTANCE OF 44.42 FEET TO A POINT OF CURVATURE; THENCE ALONG A 30.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 66°59'22", WITH A CHORD BEARING AND DISTANCE OF NORTH 32°30'56" EAST FOR 33.11 FEET, FOR AN ARC DISTANCE OF 35.08 FEET TO A POINT OF TANGENCY ON THE NORTH LINE OF LOT 40; THENCE NORTH 66°CO'37" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 59.27 FEET TO A POINT OF CURVATURE; THENCE ALONG A 150.00 FOOT RADIUS TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 20°58'32", WITH A CHORD BEARING AND DISTANCE OF NORTH 55°31'21" EAST FOR 54.61 FEET, FOR AN ARC DISTANCE OF 54.91 FEET TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID RESERVE 'A': THENCE NORTH 45°02'05" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 40.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 80°00'32", WITH A CHORD BEARING AND DISTANCE OF NORTH 85°02'21" EAST FOR 32.14 FEET, FOR AN ARC DISTANCE OF 34.91 FEET TO A POINT OF REVERSE CURVATURE: THENCE ALONG A 390.00 FOOT RADIUS TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 36°O1'22', WITH A CHORD BEARING AND DISTANCE OF SOUTH 72°5804" EAST FOR 241.18 FEET, FOR AN ARC DISTANCE OF 245.20 FEET TO A POINT OF TANGENCY, SAID POINT BEING THE EAST CORNER OF SAID RESERVE 'A'; THENCE NORTH 89'01'15" EAST AND ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 126TH STREET SOUTH, FOR A DISTANCE OF 185.22 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF LOT ONE (1), BLOCK ONE (1), "ENCORE ON MEMORIAL", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6380); THENCE SOUTH 0°58'45" EAST AND ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 791.22 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 89°33'45" WEST FOR A DISTANCE OF 463.93 FEET TO THE POINT OF BEGINNING:

# SAID TRACT CONTAINING 505,492 SQUARE FEET OR 8.851 ACRES.

AND THE OWNER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED AND SUBDIVIDED INTO FORTY (40) LOTS IN TWO (2) BLOCKS, ONE (1) RESERVE AREA, AND STREETS IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS DESIGNATED THE SUBDIVISION AS "THE COTTAGES AT QUAIL CREEK", A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "THE COTTAGES AT QUAIL CREEK"). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOIS" AND INDIVIDUALLY AS A "LOT".

# SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

# A. PUBLIC STREETS AND UTILITY EASEMENTS.

THE OWNER DOES HEREBY GRANT, DONATE, CONVEY AND DEDICATE FOR PUBLIC USE THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE OWNER HEREBY RESERVES THE RIGHT TO

CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE OWNER FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY-PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NON-OBSTRUCTING IMPROVEMENTS.

# B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE.

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWER MAINS LOCATED ON THE LOT

2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED BY THE LOT OWNER, FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.

3. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER, SANITARY SEWER MAIN AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR SAID OWNER'S AGENTS OR CONTRACTORS.

4. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

# C. <u>UNDERGROUND SERVICE</u>

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PERIMETER UTILITY EASEMENTS OF SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON SAID OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR SAID OWNER'S AGENTS OR CONTRACTORS.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE

ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

## D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO LANDSCAPING AND PAVING RESULTING FROM THE ACTIONS OF THE CITY OF BIXBY OR THE SUPPLIER OF UTILITY SERVICES, IN PERFORMING NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT; PROVIDED, HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

## E. LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHT OF INGRESS AND EGRESS TO THE ABOVE DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED ON THE ACCOMPANYING PLAT AS "LIMITS OF NO ACCESS" ("LNA") EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE OWNER AND BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA, PERTAINING THERETO. THE FORGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" ("LNA") SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

# F. FENCE AND LANDSCAPE EASEMENT

THE OWNER DOES HEREBY ESTABLISH AND GRANT FENCE AND LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "F/L" AS SHOWN ON THE ACCOMPANYING PLAT FOR THE USE AND BENEFIT OF "THE COTTAGES AT QUAIL CREEK". THE FENCE AND LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SPRINKLER SYSTEM, AND LANDSCAPING, AND FOR THE PURPOSE OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS AND ALONG SUCH EASEMENTS AND OVER, ACROSS AND ALONG LOTS IN "THE COTTAGES AT QUAIL CREEK" WHICH CONTAIN SUCH EASEMENTS.

# G. RESERVE AREA A

1. RESERVE A, AS DEPICTED UPON THE ACCOMPANYING PLAT, IS RESERVED FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE COTTAGES AT QUAIL CREEK, QUAIL CREEK OF BIXBY, PLAT NO. 6613, AND QUAIL CREEK VILLAS OF BIXBY, PLAT NO. \_\_\_\_, AND MAY BE USED FOR RECREATIONAL OPEN SPACE INCLUDING BUT NOT LIMITED TO POOL, CLUBHOUSE, PLAYGROUND, SIDEWALKS, LANDSCAPING, SIGNAGE, FENCING AND OTHER ENTRY FEATURES, AND OTHER USES AS MAY BE PERMITTED BY THE CITY OF BIXBY. RESERVE A IS RESERVED FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION AS SET FORTH WITH SECTION III HEREIN.

2. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVES, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. THE CITY OF BIXBY SHALL NOT BE LIABLE FOR ANY DAMAGE OR REMOVAL OF ANY LANDSCAPING OR IRRIGATION SYSTEMS IN ANY RESERVE.

3. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PROPERLY MAINTAIN RESERVE A, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER RESERVE A AND PERFORM MAINTENANCE NECESSARY, AND THE COSTS SHALL BE PAID BY THE HOMEOWNERS' ASSOCIATION. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COST OF SAID MAINTENANCE, AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER SUCH COST OF MAINTENANCE SHALL BECOME A LIEN ON ALL OF THE RESIDENTIAL LOTS WITHIN THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION AS SET FORTH WITHIN SECTION III. HEREIN, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA; OR THE CITY OF BIXBY OR THE BIXBY ENGINEERING AND CONSTRUCTION DEPARTMENT MAY ADD SUCH BILLING PRORATED UPON THE RESIDENTIAL LOT OWNER'S WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF BIXBY.

# SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, THE PROPERTY COMPRISING THE COTTAGES AT QUAIL CREEK WAS INITIALLY SUBMITTED AS A PART OF PLANNED UNIT DEVELOPMENT (PUD) NO. PUD-BXPUD-16.03 AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE),

AND

WHEREAS, PUD NO. PUD-BXPUD-16.03 WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON AUGUST 15, 2016, AND APPROVED BY THE BIXBY CITY COUNCIL ON SEPTEMBER 12, 2016, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BIXBY, OKLAHOMA.

THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

#### A CENEDAL

## 1. DEVELOPMENT IN ACCORDANCE WITH PUD

THE COTTAGES AT QUAIL CREEK SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD NO. PUD-BXPUD-16.03, AS APPROVED BY THE CITY OF BIXBY, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD NO. PUD-BXPUD-16.03 AS MAY BE SUBSEQUENTLY APPROVED.

# 2. APPLICABLE ORDINANCE

THE DEVELOPMENT OF THE COTTAGES AT QUAIL CREEK SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED ON SEPTEMBER 12, 2016.

# B. DEVELOPMENT STANDARDS

# PERMITTED USES:

USE UNIT 6 DETACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE FAMILY, PATIO HOME, AND CUSTOMARY ACCESSORY USES, INCLUDING USE UNIT 5 COMMON AREA FACILITIES SUCH AS CLUBHOUSE, SWIMMING POOL, PLAYGROUND, AND RECREATIONAL OPEN SPACE.

MAXIMUM NUMBER OF LOTS:	45 LOTS
MINIMUM LOT WIDTH:	55 FT
MINIMUM LOT SIZE:	4,700 SF
MAXIMUM BUILDING HEIGHT:	2 STORIES AND 35 FT. *

# OFF-STREET PARKING AND FRONT YARD COVERAGE:

SIDE YARD NOT ABUTTING A STREET

MINIMUM TWO (2) ENCLOSED OFF-STREET PARKING SPACES REQUIRED PER DWELLING UNIT. OFF-STREET PARKING SHALL NOT EXCEED 75% OF THE REQUIRED FRONT YARD.

5 FT

MINIMUM LIVABILITY SPACE:	2,000 SF **
MINIMUM YARD SETBACKS:	
FRONT YARD:	20 FT
REAR YARD:	15 FT
SIDE YARD ABUTTING A STREET:	15 FT

# OTHER BULK AND AREA REQUIREMENTS

AS REQUIRED WITHIN THE RS-3 DISTRICT

- \* ARCHITECTURAL FEATURES MAY EXTEND A MAX. OF FIVE (5) FEET ABOVE MAXIMUM PERMITTED BUILDING HEIGHT.
- \*\* LIVABILITY SPACE MAY BE LOCATED ON A LOT OR CONTAINED WITHIN COMMON OPEN SPACE OF THE DEVELOPMENT, AS PER SECTION 11-7I-5.C OF THE BIXBY ZONING CODE.

# C. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

## 1 SICN

SUBDIVISION ENTRANCE SIGNAGE SHALL BE PERMITTED ALONG THE EAST 126TH STREET SOUTH AND SOUTH 74TH EAST PLACE FRONTAGES, EACH SIGN NOT TO EXCEED THIRTY-FIVE (35) SQUARE FEET IN SIZE, AND FIVE (5) FEET IN HEIGHT. SIGNAGE SERVING NEIGHBORHOOD AMENITIES, APPROPRIATE FOR PURPOSE AND NEIGHBORHOOD SCALE, SHALL BE PERMITTED WITHIN RESERVE AREAS CONTAINING NEIGHBORHOOD AMENITIES. ALL OTHER SIGNAGE SHALL COMPLY WITH THE BIXBY ZONING CODE.

# 2. STANDARDS PERTAINING TO DWELLINGS

ALL SINGLE FAMILY DWELLING UNITS SHALL HAVE A MINIMUM OF 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE FIRST FLOOR OF EACH DWELLING SHALL BE A MINIMUM OF 75% MASONRY EXCLUDING WINDOWS AND BENEATH COVERED PORCHES. THE MASONRY REQUIREMENT SHALL MEAN BRICK, NATURAL OR MANUFACTURED STONE, OR STUCCO. THE EXTERIOR SURFACE OF ANY FOUNDATION, INCLUDING STEM WALLS, SHALL ALSO BE OF MASONRY. THE FOREGOING STANDARDS SHALL BE INCLUDED IN THE DEED OF DEDICATION AND RESTRICTIVE COVENANTS OF THE PLAT; ALL OTHER SUCH RESTRICTIONS PERTAINING TO DWELLINGS SHALL BE PRIVATE AND WILL BE CONTAINED IN A SEPARATE INSTRUMENT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, OR A SIMILARLY-TITLED DOCUMENT.

# 3. ACCESS AND CIRCULATION

STREETS SERVING THE COTTAGES AT QUAIL CREEK WILL BE PUBLIC, CONSTRUCTED TO MEET THE STANDARDS OF THE CITY OF BIXBY FOR MINOR RESIDENTIAL STREETS, INCLUDING 50' MINIMUM RIGHTS-OF-WAY AND 26' MINIMUM PAVING BETWEEN CURB FACES. PRIMARY ACCESS INTO THE SUBDIVISION WILL BE FROM EAST 126TH STREET SOUTH, WITH SECONDARY ACCESS PROVIDED VIA SOUTH 74TH EAST PLACE IN QUAIL CREEK OF BIXBY.

SIDEWALKS, INCLUDING BOTH INTERNAL AND ALONG EXTERIOR STREET FRONTAGES, SHALL BE CONSTRUCTED BY THE DEVELOPER OR INDIVIDUAL LOT OWNERS IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS. SIDEWALKS SHALL BE A MINIMUM OF FOUR (4) FEET IN WIDTH, SHALL BE ADA COMPLIANT, AND SHALL BE APPROVED BY THE CITY ENGINEER. SIDEWALKS WHICH ARE PROPOSED OUTSIDE OF PUBLIC RIGHT-OF-WAY SHALL BE PLACED IN A PUBLIC SIDEWALK EASEMENT. DURING THE PLATTING PHASE, PEDESTRIAN ACCESS FROM THE SUBDIVISION MAY BE PROVIDED TO THE ADJOINING FRY CREEK DITCH RIGHT-OF-WAY.

# 3. <u>CITY DEPARTMENT REQUIREMENTS</u>

STANDARD REQUIREMENTS OF THE CITY OF BIXBY FIRE MARSHAL, CITY ENGINEER, AND CITY ATTORNEY SHALL BE MET.

The Cottages at Quail Creek

# Preliminary Plat PUD-BXPUD-16.03 The Cottages at Quail Creek

A REPLAT OF LOT 40 BLOCK 2 AND RESERVE A OF QUAIL CREEK OF BIXBY AND PART OF THE EAST HALF (E/2) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION (Continued)

SECTION III. HOMEOWNERS' ASSOCIATION

# A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN THE COTTAGES AT QUAIL CREEK. THE HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA. FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREA, INCLUDING BUT WITHOUT LIMITATION RESERVE A, AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE COTTAGES AT QUAIL CREEK AND OF ANY RESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION. THE COTTAGES AT QUAIL CREEK ADJOINS QUAIL CREEK OF BIXBY (PLAT. NO. 6613) AND QUAIL CREEK VILLAS OF BIXBY (PLAT NO. ) AND SHALL BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION FORMED PURSUANT TO QUAIL CREEK OF BIXBY.

## B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A RESIDENTIAL LOT IN THE COTTAGES AT QUAIL CREEK SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT.

## C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN THE COTTAGES AT QUAIL CREEK SHALL BE SUBJECT TO ASSESSMENT BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS.

# SECTION IV. PRIVATE RESTRICTIONS

THE OWNER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN, WHICH SHALL BE APPLICABLE TO THE LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

# A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, OR FREE STANDING MAIL BOX SHALL BE ERECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT, AND NO SIDEWALK SHALL BE CONSTRUCTED UPON OR ADJACENT TO ANY LOT. UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE OWNER OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS. WHICH ARE HEREINAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, SIDEWALK LOCATION AND DESIGN PLAN, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 30TH DAY FOLLOWING COMPLETION THEREOF, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

2. COMMITTEE PURPOSE. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND. IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED, IT MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER, AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR ACCEPTANCE OF ANY RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATING TO IMPROVEMENTS WITHIN THE SUBDIVISION WHICH THEY WOULD OTHERWISE BE ENTITLED TO PROSECUTE.

3. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE TRANSFERRED TO THE APPLICABLE HOMEOWNERS' ASSOCIATION UPON WRITTEN ASSIGNMENT BY THE OWNER, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

# B. FLOOR AREA

DWELLINGS SHALL HAVE A MINIMUM OF 1.800 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZEWAYS.

# C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. CARPORTS ARE PROHIBITED. GLASS IN VEHICULAR ENTRY DOORS IS PROHIBITED.

# D. FOUNDATIONS

THE EXTERIOR SURFACE OF ANY EXPOSED FOUNDATION, INCLUDING STEM WALLS, SHALL BE OF BRICK, NATURAL OR MANUFACTURED STONE, OR STUCCO.

# E. MASONRY

A MINIMUM OF 75% OF THE EXTERIOR SURFACE OF FIRST FLOOR EXTERIOR WALLS (EXCLUDING WINDOWS AND DOORS) SHALL BE OF BRICK, NATURAL OR MANUFACTURED STONE, OR STUCCO. VINYL SIDING OF ANY EXTERIOR WALL IS PROHIBITED. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE RESTRICTIONS SET FORTH IN THIS SUBSECTION.

# WINDOWS

WINDOWS SHALL BE VINYL. METAL WINDOWS ARE RESTRICTED; HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE METAL WINDOW RESTRICTION SET FORTH IN THIS SUBSECTION.

# G. ROOF FLASHING

EXPOSED ROOF FLASHING. VENT PIPES AND CHIMNEY COVERS SHALL BE PAINTED.

# H. ROOF PITCH

NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12, PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY. IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST. APPROVE A WAIVER OF THIS RESTRICTION TO PERMIT A DWELLING HAVING A FLAT ROOF AREA EQUAL TO NO MORE THAN TWENTY PERCENT (20%) OF THE AREA COVERED BY ALL ROOF SURFACES.

# ROOFING MATERIALS

ROOFS SHALL BE COMPOSITION SHINGLE ROOF - LANDMARK LIFETIME. PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF LANDMARK LIFETIME ROOFING IS NOT REASONABLY AVAILABLE, THE ARCHITECTURAL COMMITTEE MAY APPROVE FOR THE SUBDIVISION, SPECIFICATIONS FOR ALTERNATIVE ROOFING THAT IS HEAVY DUTY ORGANIC OR INORGANIC COMPOSITION SHINGLE AND WHICH SIMULATES A "WEATHERED WOOD" LOOK

# ON-SITE CONSTRUCTION

NO EXISTING OR OFF-SITE BUILT DWELLING MAY BE MOVED ONTO OR PLACED ON ANY LOT.

# K. OUTBUILDINGS

OUTBUILDINGS ARE PROHIBITED; PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE RESTRICTIONS SET FORTH IN THIS SUBSECTION.

# L. SWIMMING POOLS

ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNAS SHALL BE PROHIBITED, PROVIDED HOWEVER, SATELLITE DISHES OR SIMILAR OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR DORMER IF BELOW THE EAVE AND NOT VISIBLE FROM THE STREET VIEW OF THE DWELLING, AND THE SPECIFIC LOCATION OF THE SAME IS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE MAY. IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

# N. LOT MAINTENANCE

NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT, AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH, OR OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT UNSIGHTLY GROWTH OF WEEDS OR TALL GRASS.

# O. RECREATIONAL VEHICLES AND EQUIPMENT

NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

# TRAILERS, MACHINERY AND EQUIPMENT, AND COMMERCIAL VEHICLES

NO TRAILERS, MACHINERY OR EQUIPMENT, OR COMMERCIAL VEHICLES, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE: PROVIDED HOWEVER, NOTHING HEREIN SHALL PROHIBIT THE PARKING OF VEHICLES, TRAILERS, MACHINERY OR EQUIPMENT WHEN BEING UTILIZED IN CONNECTION WITH SERVICES PERTAINING TO A RESIDENCE IN THE SUBDIVISION; FURTHER PROVIDED THAT NOTHING HEREIN SHALL PROHIBIT THE PARKING OF LIGHT TRUCKS WITHOUT COMMERCIAL SIGNAGE (MAXIMUM 3/4 TON).

# CLOTHESLINES AND TRASH RECEPTACLES

EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. GARBAGE CANS AND OTHER TRASH RECEPTACLES SHALL BE OUT OF VIEW FROM ANY ADJOINING STREET OR FROM ANY ADJOINING LOT EXCEPT DURING REASONABLE TIMES NECESSARY TO PERMIT CURBSIDE PICKUP.

# R. MAILBOXES

AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR U.S. POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. THE MAILBOX SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY SIX (6) INCHES IN FROM THE BASE OF THE CURB AND SIX (6) FEET FROM THE "INSIDE FDGE" OF THE DRIVEWAY. "INSIDE FDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH BORDERS THE LARGEST CONTIGUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE FORTY-TWO (42) INCHES FROM STREET LEVEL.

# S. ANIMALS

NO ANIMALS. LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED. BRED. SOLD OR KEPT EXCEPT THAT TWO DOGS. TWO CATS OR OTHER CUSTOMARY HOUSEHOLD PETS MAY BE KEPT, PROVIDED THEY ARE NOT USED FOR COMMERCIAL PURPOSES.

# NOXIOUS ACTIVITY

NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED OUT UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON THAT MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

# U. SIGNAGE

NO SIGN OTHER THAN CUSTOMARY NAME PLATE AND ADDRESS SHALL BE LOCATED ON ANY LOT IN PUBLIC VIEW. EXCEPT ONE SIGN OF NOT MORE THAN FIVE (5) SQUARE FEET ADVERTISING THE PROPERTY FOR SALE, OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING CONSTRUCTION AND SALES PERIOD. NO RENT OR LEASE SIGNS ARE ALLOWED.

# V. MATERIALS AND STORAGE

NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN THIRTY (30) DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION SHALL BE COMPLETED WITHIN NINE (9) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

# SECTION V. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

## A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. THE COVENANTS CONTAINED IN SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE AND SHALL INURE TO THE BENEFIT OF THE CITY OF BIXBY, OKLAHOMA, ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II., IT SHALL BE LAWFUL FOR THE CITY OF BIXBY, ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT. TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. THE COVENANTS CONTAINED IN SECTION III. HOMEOWNERS' ASSOCIATION AND SECTION IV. PRIVATE RESTRICTIONS, SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER. OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III. OR IV., IT SHALL BE LAWFUL FOR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION. THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW, IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS III. OR IV. AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF. THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY'S FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

# B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

# C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD-BXPUD-16.03 BY THE BIXBY PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION WITH THE TULSA COUNTY CLERK.

THE COVENANTS CONTAINED WITHIN SECTION III. HOMEOWNERS' ASSOCIATION, SECTION IV. PRIVATE RESTRICTIONS, AND ANY OTHER PROVISION OF THIS DEED OF DEDICATION WHICH DID NOT INITIALLY REQUIRE THE APPROVAL OF THE BIXBY PLANNING COMMISSION AND/OR THE CITY OF BIXBY. MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 65% OF THE LOTS WITHIN THE SUBDIVISION. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF AT LEAST 65% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

# D. SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN. WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, 121ST & MEMORIAL, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY HAS EXECUTED THIS INSTRUMENT ON THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2016.

> 121ST & MEMORIAL, LLC AN OKLAHOMA LIMITED LIABILITY COMPANY

RICHARD L. DODSON, MANAGER OF LLC

STATE OF OKLAHOMA )

) SS COUNTY OF TULSA

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY OF \_, 2016, PERSONALLY APPEARED RICHARD L. DODSON, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF 121ST & MEMORIAL, LLC TO THE FOREGOING INSTRUMENT, AS ITS MANAGER, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF 121ST & MEMORIAL, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, FOR THE USES AND PURPOSES THEREIN SET FORTH THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES JENNIFER MILLER, NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, DAN E. TANNER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND HEREIN DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "THE COTTAGES AT QUAIL CREEK", A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ Tanner

> DAN E. TANNER LICENSED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1435

STATE OF OKLAHOMA

) SS COUNTY OF TULSA

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE , 2016, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH THE DAY AND YEAR LAST ABOVE WRITTEN.

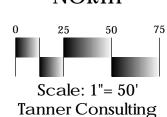
MY COMMISSION EXPIRES

JENNIFER MILLER. NOTARY PUBLIC

The Cottages at Quail Creek

DATE OF PREPARATION: September 16, 2016





# LEGEND

CL

**ESMT** 

RES

U/E

**BUILDING LINE** FENCE & LANDSCAPE EASEMENT F/L **BUILDING LINE & UTILITY EASEMENT** CENTERLINE DELTA DOCUMENT DOC UT

UNDERGROUND TELEPHONE **EASEMENT RADIUS** RESERVE UTILITY EASEMENT

ASSIGNED ADDRESS

**SUBDIVISION CONTAINS:** FORTY (40) LOTS IN TWO (2) BLOCKS

**GROSS SUBDIVISION AREA: 8.851 ACRES** 

WITH ONE (1) RESERVE

# Conceptual Utility Plan PUD-BXPUD-16.03 The Cottages at Quail Creek

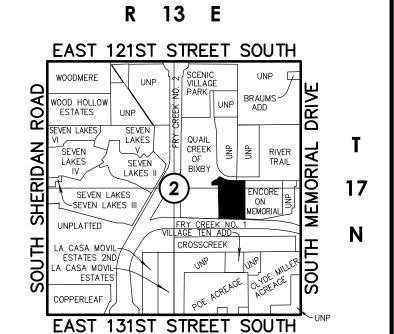
A REPLAT OF LOT 40 BLOCK 2 AND RESERVE A OF QUAIL CREEK OF BIXBY AND PART OF THE EAST HALF (E/2) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

# OWNER/DEVELOPER:

121st & Memorial, LLC CONTACT: RICK DODSON 6528 East 101st Street South D-1, Suite 409 Tulsa, Oklahoma 74133 Phone: (918)638-3003

# SURVEYOR/ENGINEER:

Tanner Consulting, L.L.C. DAN E. TANNER, P.L.S. NO. 1435 OK CA NO. 2661, EXPIRES 6/30/2017 5323 South Lewis Avenue Tulsa, Oklahoma 74105 Phone: (918)745-9929



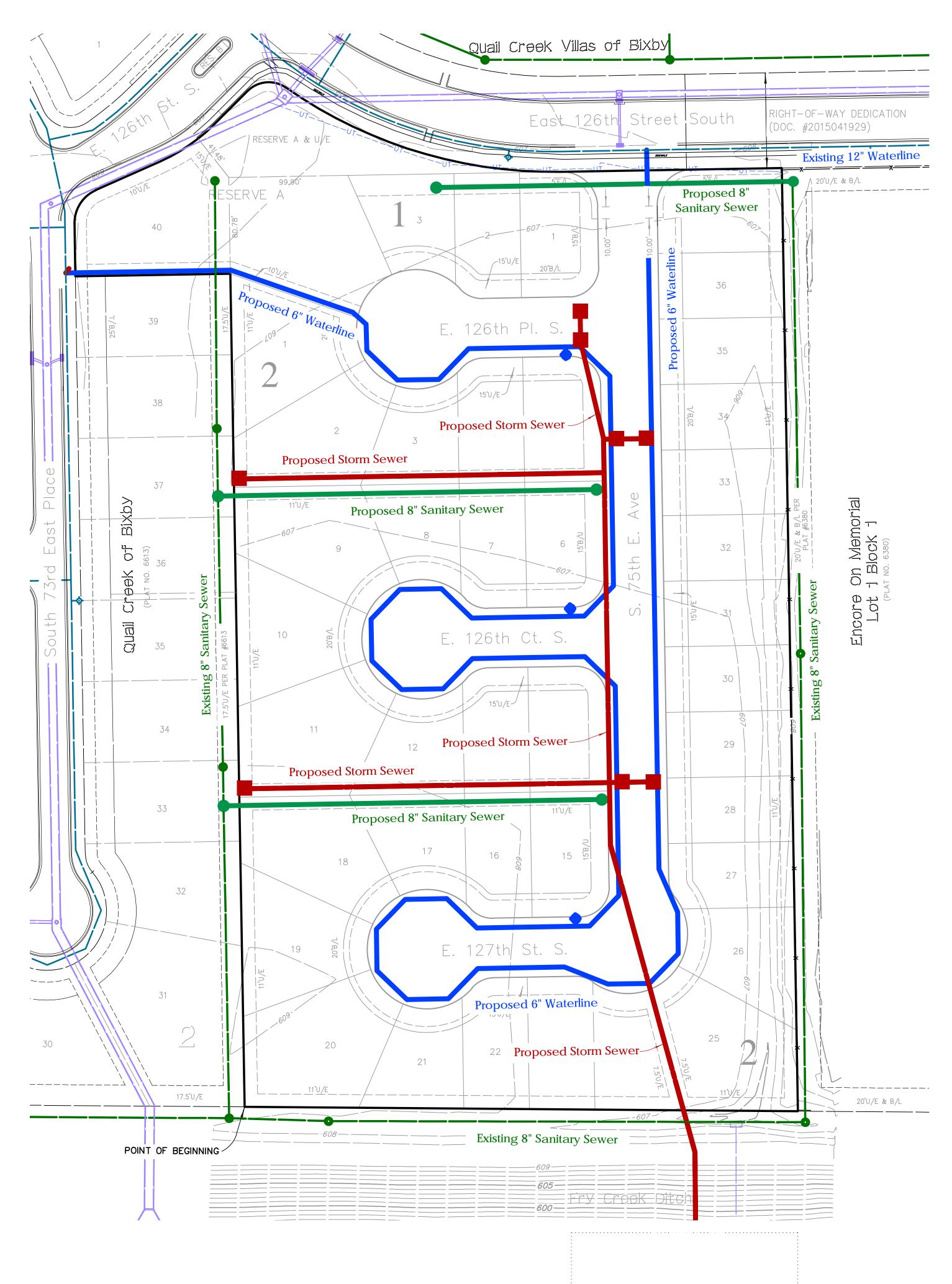
**Location Map** Scale: 1"= 2000'

N44°01'15"E



Curve	Table				
<b>CURVE</b>	LENGTH(L)	RADIUS(R)	DELTA()	CHORDBRG(CB)	CHORDDIS(CD)
1	47.12'	30.00'	90°00'00'	N45°58'45"W	42.43'
2	39.27'	25.00'	90°00'00'	N44°01'15"E	35.36'
3	21.03'	25.00'	48°11'23"	N66°53'04"W	20.41'
4	72.97'	50.00'	83°37′14"	N0°58′45"W	66.67'
5	21.03'	25.00'	48°11'23"	N64°55'34"E	20.41'
6	39.27'	25.00'	90°00'00'	N45°58'45"W	35.36'
7	16.09'	25.00'	36°52′12′	N72°32'39'W	15.81'
8	142.89'	50.00'	163°44'23'	N44°01'15"E	98.99'
9	16.09'	25.00'	36°52′12′	N19°24'51"W	15.81'

90°00'00'



# Notes:

- 1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- 2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS
- 3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).
- 4. ACCESS AT THE TIME OF PLAT WAS PROVIDED BY EAST 126TH STREET SOUTH BY VIRTUE OF RIGHT-OF-WAY DEDICATED BY FINAL PLAT OF "QUAIL CREEK OF BIXBY", AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (PLAT # 6613).
- 5. ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.

DATE OF PREPARATION: September 16, 2016

# PRELIMINARY PLAT COTTAGES AT QUAIL CREEK

# **AERIAL MAP**



CITY OF BIXBY PLANNING PRINTED 8.10.16





P.O. Box 70 116 W. Needles Ave. Bixby, OK 74008

(918) 366-4430

# STAFF REPORT

**To:** Bixby Planning Commission

**From:** Marcae' Hilton, City Planner

**Date:** Monday, October 17, 2016

**RE:** Report and Recommendations for:

PRELIMINARY PLAT-KUM & GO 835 ADDITION, A RE-SUBDIVISION OF LOT 2, BLOCK 1, VNB ADDITION PLAT NO 6192, Applicant, Chris Cloyde

of Crafton, Tull & Associates, Inc.

Discussion and Recommendation on the Approval of a Preliminary Plat for approximately 1.32 acres for the purpose of a convenience store in Section

11, T17N, R13E

**Property Generally Located:** in the 13000 block of Memorial Drive, west

of Memorial and south of 131st Street

**REQUEST:** Approval of Preliminary Plat, Kum & Go 835 Addition

**EXISTING ZONING**: (RS-3) Residential Single-Family District, (RM-3) Residential Multi-

Family District, & PUD 78

**LOCATION:** West of Mingo Road and south of 131st Street

**STR:** Section 11, T17N, R13E

**SIZE OF TRACT:** 1.32 Acres

**LOT INFO:** 1 Lots

1 Block

**PUBLIC INPUT:** No known comments

#### **BACKGROUND INFORMATION:**

#### SURROUNDING ZONING AND LAND USE:

North: CG (Commercial General)-Valley National Bank

**West:** RS-1 (Single-family Residential), AG (Agriculture District) Single-family Residential **South:** CG (Commercial General)-Retail Establishment, RS-1 (Single-family Residential)

with a Special Exception for a Church use

East: CG (Commercial General) existing Kum & Go, South Plaza Center

#### **GENERAL HISTORY:**

This parcel was originally part of VNB Addition, Plat 6192, filed March 14, 2008. The 2.41 acres proposed two (2) lots, one (1) block. KUM & GO has purchased Lot (1) Block (2) a 1.32-acre parcel and is working through their attorney to vacate a portion and resubdivide Plat 6192. There are several easements, which are no longer needed, slight changes of access, and new ownership making the plat vacation paramount to a cleaner final product.

The primary access to the subdivision is via S. Memorial Dr. / U.S. Highway 64. The consultant has worked with ODOT to modify the Limits of No Access (LNA), which were placed along sections of the Memorial Dr.; staff believes the changes represent safer access options.

The Technical Advisory Committee (TAC) heard this item on Wednesday, October 05, 2016. TAC and Fire Marshal comments are included in report. Staff requests all outstanding comments be resolved before submittal of the Final Plat to City Council.

Staff believes the *Preliminary Plat for Kum & Go 835* meets the requirements of the Zoning Regulations and Bixby Land Use.

#### COMPREHENSIVE PLAN:

Land Use Intensities: Medium, Low, and Development Sensitive Land Use: Commercial, Residential, Vacant, AG, Rural Residences and Open Land Urban Design Elements: Borders Secondary Arterial

#### **EXHIBITS:**

Preliminary Plat KUM & GO 835 ADDITION Aerial Map VNB Plat Vacation Documents VNB PLAT

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval of the Preliminary Plat of KUM & GO 835 ADDITION A RESUBDIVISION OF LOT 2 BLOCK 1, VNB ADDITION subject to the resolution of comments from Staff and TAC.

#### TAC COMMENTS:

- 1. BTC-has access-is good with easement size and locations
- 2. Letters-sent by Michael Joyce-waiting for Patrick to bless submitted partial vacation of Plat/Termination of DOD & restrictive covenants-Joyce has requested quick reply
- 3. ONG does not seem to have any problem
- 4. COX-Access is available
- 5. Fire Marshal-good with ingress/egress-water line will be extended & hydrant placed
- 6. Chris Cloyde- requested sign sheet.

#### PLANNING COMMENTS: (Not Complete List)

- 7. Before the City Council Final Plat hearing:
  - a. Please provide release letters from all utility companies serving the subdivision as per Subdivision Regulations Section 12-2-6.B.
  - b. Please have plat corrections completed and be ready to run your prints before the City Council meeting.
- 8. Provide copies of the MAE after filing with Tulsa County by separate instrument with Kouhi, Inc. (Twisted Sisters-building)
- 9. The City of Bixby prefers you do not use "FINAL PLAT" on the Preliminary Plat submittal
- 10. The vacation of Lot (1), Block (2) of VNB Plat will be submitted in conjunction with the platting of KUM & GO 835 ADDITION Plat
- 11. Provide a copy of the signed, stamped Vacation Documents retated to VNB Plat No. 6192, Lot (1), Block (2)

ENGINEERING COMMENTS: FORTHCOMING

# PRELIMINARY PLAT FINAL PLAT FINAL PLAT CERTIFICATE OF APPROVAL I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE KUM & GO 835 ADDITION MAYOR - VICE MAYOR THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK. A PART OF THE NE/4 OF THE NE/4 OF THE NE/4 OF SECTION 11, TOWNSHIP 17 NORTH, RANGE 13 EAST CITY MANAGER - CITY CLERK 1.32 ACRES, 1 LOT, 1 BLOCK VALLEY 24' M.A.E. LOT 1, BLOCK NATIONAL VNB ADDITION BANK PER PLAT 24' M.A.E. PER PLAT NO. 6192 PLAT NO. 6192 NO. 6192 POINT OF **BEGINNING** SE CORNER BLOCK 1 **ADDITION** "PLS 1128" PER PLAT NO. 6192 OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE: 3501 5/8" REBAR-1 1/2" ALUMINUM CAP-FLUSH-STAMPED "101", SET N.E. OF THE NORTH BOUND MEMORIAL ST. BRIDGE OVER THE ARKANSAS RIVER. HORIZONTAL DATUM: NAD83 (1993) NORTHING: 356043.089 EASTING: 2594030.792 VERTICAL DATUM: NAVD 1988 ELEV. 602.14 KUM & GO 835 ADDITION LOT 1, BLOCK 1 13124 S. MEMORIAL DR. BIXBY, OK. PER PLAT NO. 6192 TO BE VACATED MONUMENTATION TEMORARY DETENTION EASEMENT 3/8" IRON PINS TO BE SET AT ALL PROPERTY CORNERS UNLESS PER PLAT NO, 6192 TO BE VACATED 24.75 STAT. R/W BASIS OF BEARING THE WEST LINE OF LOT 2, BLOCK 1, VNB ADDITION, AN ADDITION TO THE CITY OF BIXBY N 89°59'19" W 211.33 N 00°11'16" E \_\_\_\_\_\_ - SET CHISELED "X" KOUHI, INC TO BE FILED (UNPLATTED) BY SEPARATE INSTRUMENT TWISTED SOUL SISTERS 3/8" IRON PIN 10' BUILDING SETBACK LINE W/CAP 3/8" IRON PIN "WHITE CA 1098" W/CAP "WHITE CA 1098" YALE 31 CORPORATION (UNPLATTED)

A MINOR SUBDIVISION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA A RE-SUBDIVISION OF LOT 2, BLOCK 1, VNB ADDITION, PLAT NO. 6192, LOCATED IN

**OWNER/DEVELOPER:** 

# KUM & GO

**6400 WESTOWN PARKWAY** WEST DES MOINES, IOWA 50266 CONTACT: ROBERT FIEBIG III 515-457-6389

PROPERTY DESCRIPTION

A PART OF THE NE/4 OF THE NE/4 OF THE NE/4 OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, VNB ADDITION, AN ADDITION TO THE CITY OF BIXBY, THENCE S 00°02'13" W A DISTANCE OF 195.00 FEET, THENCE N 89°59'19" W A DISTANCE OF 211.33 FEET, THENCE S 00°11'26" W A DISTANCE OF 80.00', THENCE N 89°59'19" W A DISTANCE OF 58.55 FEET, THENCE N 00°11'16" E A DISTANCE OF 275.00 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, VNB ADDITION, THENCE S 89°59'19" E ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 1 A DISTANCE OF 269.36 FEET TO THE POINT OF BEGINNING. CONTAINING 1.32 ACRES. MORE OR LESS.

ADDRESSES SHOWN ON THIS PLAT ARE

ACCURATE AT THE TIME THE PLAT WAS

CHANGE AND SHOULD NEVER BE RELIED

ON IN PLACE OF THE LEGAL DESCRIPTION.

FILES. ADDRESSES ARE SUBJECT TO

E 141ST S TULSA COUNTY

LOCATION MAP SCALE IN FEET 

NOTE: ALL PROPERTIES SHOWN HEREON ARE UNPLATTED UNLESS OTHERWISE NOTED

SURVEYOR/ENGINEER

A. B. WATSON, JR PLS 1057 220 EAST 8TH STREET TULSA, OK 74119 918-584-0347 BRADY.WATSON@CRAFTONTULL.COM W. CHARLES MITCHELL, PE 21625 220 EAST 8TH STREET TULSA, OK 74119 918-584-0347 CHUCK.MITCHELL@CRAFTONTULL.COM



- SET IRON PIN (SIP)
- FOUND IRON PIN (FIP)
- LIMITS OF NO ACCESS

MUTUAL ACCESS EASEMENT

		_		
EXIST	ING	EA	SEM	E١
		-		
NEW	EASE	ME	NT	

RIGHT OF WAY

PROPERTY LINE SECTION LINE

CURB & GUTTER

**EXISTING BUILDING** 

EDGE OF CONCRETE

**EXISTING LOT LINE** 

FLOOD STATEMENT

FIRM PANEL NO. 40143C0432L DATED OCTOBER 16, 2012 CLASSIFIES THE PROPERTY DESCRIBED HEREON AS ZONE "SHADED X", AN AREA OF 0.2% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LEES THAN 1 FOOT OR WITH DRAINAGE AREAS LEES THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP(S). IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.

> PREPARED DATE: AUGUST 26, 2016 SHEET 1 OF 2

# **KUM & GO 835 ADDITION**

A MINOR SUBDIVISION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA
A RE-SUBDIVISION OF LOT 2, BLOCK 1, VNB ADDITION, PLAT NO. 6192, LOCATED IN
A PART OF THE NE/4 OF THE NE/4 OF THE NE/4 OF SECTION 11, TOWNSHIP 17 NORTH, RANGE 13 EAST
1.32 ACRES, 1 BLOCK, 1 LOT

DEED OF DEDICATION KUM & GO 835 ADDITION

KNOW ALL MEN BY THE PRESENTS:

KUM & GO HEREINAFTER CALLED "OWNER" IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE IN TULSA COUNTY, OKLAHOMA, TO-WIT:

A PARCEL OF LAND IN THE NE/4 OF THE NE/4 OF THE NE/4 OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, VNB ADDITION, AN ADDITION TO THE CITY OF BIXBY, THENCE S 00°02'13" W A DISTANCE OF 195.00 FEET, THENCE N 89°59'19" W A DISTANCE OF 211.33 FEET, THENCE S 00°11'26" W A DISTANCE OF 80.00', THENCE N 89°59'19" W A DISTANCE OF 58.55 FEET, THENCE N 00°11'16" E A DISTANCE OF 275.00 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, VNB ADDITION, THENCE S 89°59'19" E ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 1 A DISTANCE OF 269.36 FEET TO THE POINT OF BEGINNING. CONTAINING 1.32 ACRES, MORE OR LESS.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 1 LOT, 1 BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "KUM & GO 835 ADDITION", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "KUM & GO 835 ADDITION" OR THE "SUBDIVISION")

THE OWNER DOES HEREBY MAKE THE FOLLOWING DEDICATIONS AND GRANTS AND AGREES TO BE BOUND BY THE FOLLOWING PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE SUBDIVISION OF THE ABOVE DESCRIBED LAND WHICH SHALL BE DESIGNATED AND REFERRED TO HEREIN AS "KUM & GO 835 ADDITION".

# SECTION I. STREETS AND UTILITIES

# A. STREETS AND UTILITY EASEMENTS

THE OWNER HEREBY DEDICATES TO THE PUBLIC THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT. THE OWNER FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES WHICH DO NOT CONSTITUTE AN OBSTRUCTION.

# B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

- 1. THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT.
- 2. WITHIN UTILITY EASEMENTS AND SANITARY SEWER EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF BIXBY, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.
- 3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER SYSTEMS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR THE OWNER'S AGENTS AND/OR CONTRACTORS.
- 4. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS AND SANITARY SEWER EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.
- 5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER AGREES TO BE BOUND BY THESE COVENANTS.

# C. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

## CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED BY THE CITY UNTIL AFTER COMPLETION OF THE ENTIRE DEVELOPMENT AND ITS FORMAL ACCEPTANCE BY THE CITY. ANY AND ALL CONSTRUCTION PURSUANT TO SUCH A BUILDING PERMIT BUT PRIOR TO THE CITY'S FORMAL ACCEPTANCE OF THE ENTIRE DEVELOPMENT WILL BE AT THE CONTRACTOR/BUILDER—INVESTOR'S OWN RISK.

# . UTILITY EASEMENT DEDICATION

THE DEDICATION OF UTILITY EASEMENTS TO THE PUBLIC, CONTAINED IN THIS SECTION 1, SHALL NOT TAKE EFFECT UNTIL THE FILING BY THE CITY OF BIXBY, OKLAHOMA (ON BEHALF OF THE PUBLIC) IN THE TULSA COUNTY CLERK'S OFFICE OF A SEPARATE INSTRUMENT ENTITLED "FORMAL ACCEPTANCE" OR SIMILAR WORDING, FORMALLY ACCEPTING THE DEDICATIONS AND INFRASTRUCTURE. HOWEVER, THE RIGHTS AND USES OUTLINED HEREIN NECESSARY FOR THE INSTALLATION BY PRIVATE UTILITIES OF THEIR FACILITIES, I.E., ELECTRIC, GAS, TELEPHONE AND COMMUNICATION, ET. AL., EXCLUSIVE OF THOSE OWNED BY THE CITY OF TULSA, SHALL BE IN EFFECT TO ALLOW ACCESS FOR SURVEYING, EXCAVATING FOR, CONSTRUCTION, OPERATING, AND MAINTAINING SUCH FACILITIES UNTIL THE CITY FILES ITS FORMAL ACCEPTANCE AND THESE RIGHTS AND USES ARE SUBSUMED BY THE PUBLIC DEDICATION.

#### E. LOT SURFACE DRAINAGE

LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

#### F. UNDERGROUND SERVICE

- 1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.
- 2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH ARE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- 3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
- 4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- 5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY

# G. GAS SERVICE

- 1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS CERTIFICATE OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
- 2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS.
- 3. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

#### H. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO THE RIGHT-OF-WAY WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BIXBY, OR ITS SUCCESSOR, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF BIXBY.

# . SIDEWALKS

SIDEWALKS ARE REQUIRED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH SUBDIVISION REGULATIONS. REQUIRED SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH CITY OF BIXBY ENGINEERING DESIGN STANDARDS. THE OWNER SHALL CONSTRUCT REQUIRED SIDEWALKS ALONG ARTERIAL STREET FRONTAGES.

# SECTION II. ENFORCEMENT

THE RESTRICTION HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I EASEMENTS ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. EASEMENTS AND UTILITIES WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA. IN ANY JUDICIAL ACTION BROUGHT BY AN OWNER OF A LOT WHICH ACTION SEEKS TO ENFORCE THE COVENANTS OR RESTRICTIONS SET FORTH HEREIN OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECOVER REASONABLE ATTORNEYS FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

# SECTION III. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR PARCEL TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE CITY OF BIXBY, OR ITS SUCCESSORS. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATION COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED IN THE RECORDS OF THE CLERK OF TULSA COUNTY.

IN WITNESS WHEREOF, THE UNDERSIGNED OWNER, HAS CAUSED THIS DEED OF DEDICATION AND RESTRICTIVE COVENANTS TO BE EXECUTED THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_

KUM & GO

BY \_\_\_\_\_\_ROBERT FIEBIG III
SITE DEVELOPMENT MANAGER

NOTARY PUBLIC

STATE OF )
SS:
COUNTY )

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE ON THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2016, PERSONALLY APPEARED \_\_\_\_\_, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE WITHIN AND FOREGOING INSTRUMENT AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH LIMITED LIABILITY COMPANY, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES:

MY COMMISSION NUMBER:

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, A.B. WATSON, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "KUM & GO 835 ADDITION", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

A. B. WATSON JR. OK. PLS. 1057 8/29/14

LAND
A. B.
WATSON JR.
LS 1057
OF LAHOMA

NOTARY PUBLIC

STATE OF Oklahooma ) S
COUNTY TULS a )

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE ON THIS AND STATE ON THIS AND STATE ON THIS AND STATE DAY OF AND ALLY APPEARED A. B. WATSON JR. TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE OF SURVEY AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH. IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

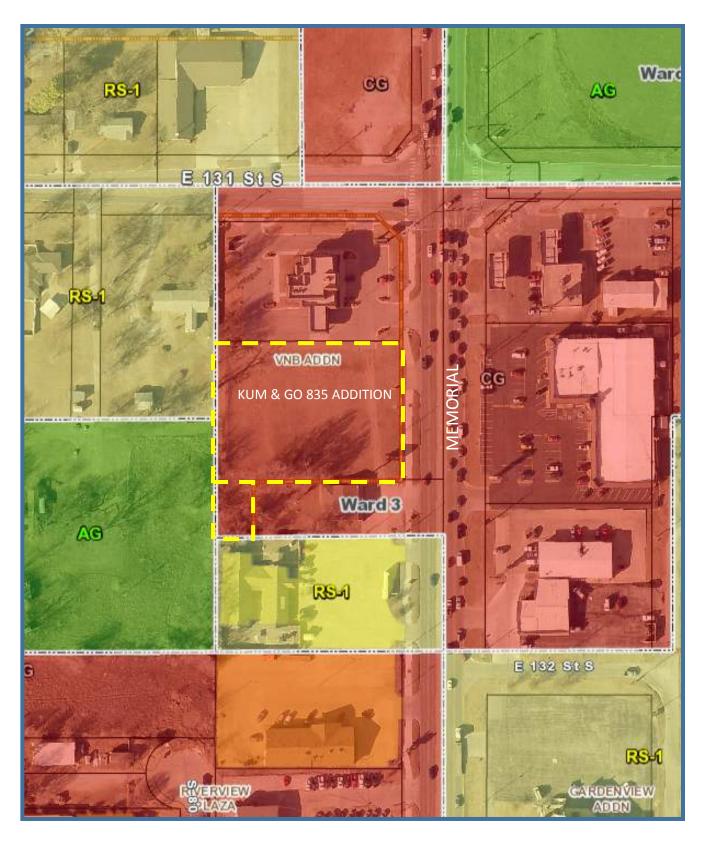
MY COMMISSION EXPIRES:

MY COMMISSION NUMBER:

NOTARY PUBLIC



KUM & GO 835 ADDITION SHEET 2 OF 2 PREPARED DATE: AUGUST 26, 2016



# PARTIAL VACATION OF PLAT, TERMINATION OF DEED OF DEDICATION AND RESTRICTIVE COVENANTS <u>VNB ADDITION</u>

(PLAT NO. 6192)

THIS PARTIAL VACATION OF PLAT, TERMINATION OF DEED OF DEDICATION AND RESTRICTIVE COVENANTS, VNB ADDITION, PLAT NO. 6192 is entered into to be effective on the date set forth below.

#### **RECITALS:**

- A. The Plat and Deed of Dedication and Restrictive Covenants of VNB ADDITION was recorded in the office of the Tulsa County Clerk as Plat No. 6192 on March 14, 2008 (the "Plat").
- B. The undersigned property owners collectively constitute the owners of all of the lots in **VNB ADDITION** both in the part to be vacated by this instrument and the part that will not be vacated.
- C. The Plat should be vacated and the restrictions imposed thereby released as provided below because all of the land in that part of the Plat to be vacated will be replatted and is part of the land which is planned to be included in a new plat to be known as KUM & GO 835 ADDITION.

#### **VACATION OF PLAT, ETC.:**

NOW, THEREFORE, pursuant to 11 O.S. 2001 Section 42-106, the undersigned property owners hereby vacate the Plat and Deed of Dedication and Restrictive Covenants of **VNB ADDITION** and the same is held for naught insofar as it affects any of the following described property:

All of Lot Two (2), Block One (1) VNB ADDITION, an Addition to the City of Bixby, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 6192 (the "Property").

FURTHER, this instrument terminates and vacates all of the building lines, restrictive covenants, setback lines, limits of no access, and easements, including utility, detention and mutual access easements, provided for in the Deed of Dedication and Restrictive Covenants recorded as part of the Plat (Plat No. 6192) and pertaining to or covering the Property; PROVIDED, some of these items will be rededicated under the new and pending Plat and Deed of Dedication and Restrictive Covenants of **KUM & GO 835 ADDITION** (the "New Plat").

Attached hereto as **EXHIBIT A** and incorporated by reference is the Special Certificate of Tulsa Abstract & Title Company (Ownership Affidavit) showing the ownership of the lots that comprise VNB ADDITION. Attached hereto as **EXHIBIT B** and incorporated herein by this reference is a copy of the Plat of VNB ADDITION. Attached hereto as **EXHIBIT C** and incorporated herein by this reference is a copy of the New Plat of KUM & GO 835 ADDITION.

This vacation shall be effective as of the earlier of the date of its approval by the City of Bixby, Oklahoma or the date of the recording of the pending New Plat of KUM & GO 835 ADDITION.

# 

	KG STORE 835, LLC, an Iowa limited liability company
	By:Name:
	Its:
STATE OF) ss	
COUNTY OF)	
	before me, a Notary Public, on this day of of KG
STORE 835, LLC., an Iowa limited liability	company.
	NOTARY PUBLIC
	Commission No.

On thisexpressly acknowledge plat, Plat No. 6192 at Covenants accompany	nd to the partial to	ermination of the Dec	, 2016, the City of Bixby vacation of the VNB ADDITION ed of Dedication and Restrictive perty.
Approved this da	y of	, 2016,	
By: John Ea	aston, Mayor		
(Seal) ATTEST:			
Yvonne Adams, City (	Clerk		
APPROVED:			
Patrick Boulden, City	Attorney		

# EXHIBIT A SPECIAL CERTIFICATE OF TULSA ABSTRACT & TTLE COMPANY VNB ADDITION

#### OWNERSHIP AFFIDAVIT

STATE OF OKLAHOMA )
COUNTY OF TULSA )

The undersigned, duly bonded and qualified abstract company within and for Tulsa County, State of Oklahoma, hereby states that the current records in the Office of the County Clerk in and for Tulsa County, State of Oklahoma, shows the record Owner of the following described property to be:

RECORD OWNER:

VALLEY NATIONAL BANK, a banking corp.

And

KG STORE 835, LLC, an Iowa limited liability

company

BY VIRTUE OF:

TRUSTEE'S WARRANTY DEED, filed

2-15-2007 Doc #2007016784.

GENERAL WARRANTY DEED, filed

8-31-2016 Doc #2016080962.

LEGAL:

ALL of VNB ADDITION, a Subdivision in the

City of Bixby, Tulsa County, State of Oklahoma,

according to the Recorded Plat thereof.

As of September 30, 2016 at 7:59 a.m.

In Witness Whereof, we have hereunto set our hand and seal at office in the City of Tulsa, Tulsa County, State of Oklahoma, this 10th day of October, 2016.

Randall L. Coffman

Vice President

Invoice #449623



## EXHIBIT B COPY OF PLAT OF VNB ADDITION (PLAT 6192)



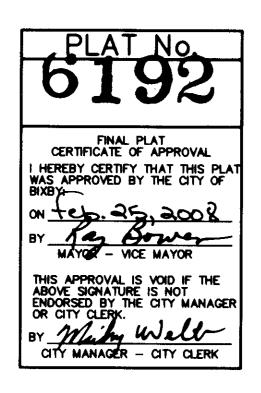
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agents or contractors.	<ol> <li>The digret they (delended, or its recessors, was a sessent a depicted on the accompanying plat, or otherwise dedeletter, the persons of a first little a provide the depicted of the persons of the statistics of the second of the</li></ol>	6. The foregoing cornants and forth in this paragraph & phail be anterestable by Gripbons, or its accessors, and the owner of the lot agrees to be bound neverly	5. 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## EXHIBIT C COPY OF NEW PLAT OF KUM & GO 835 ADDITION (PENDING)

# FINAL PLAT VNB ADDITION

A part of the NE/4 of Section 11, T-17-N, R-13-E, of the I.B. & M, City of Bixby, Tulsa County, State of Oklahoma.

> Addition has 2 Lots in 1 Block and contains 2.41 acres, more or less.



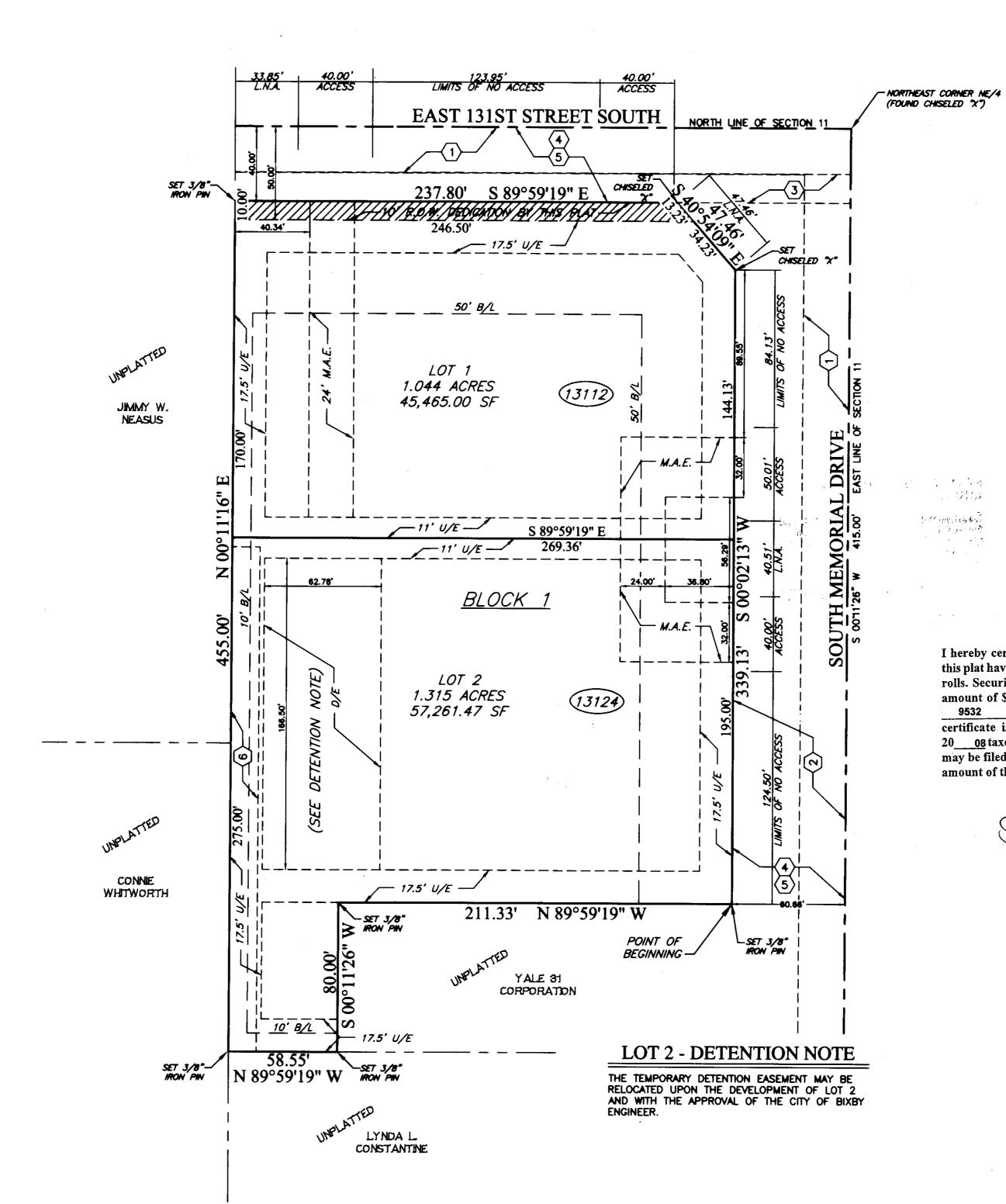
STATE OF OKLAHOMA SS COUNTY OF TULSA

I, Earlene Wilson, Tulsa County Clerk, in and hereby certify that the foregoing is a true and correct copy of a like instrument now on file in my office.

Dated the 14th day of March 2008 EARLENE WILSON, Tulsa County Clerk

## **INSTRUMENT NOTES**

- 1 24.75' STATUTORY ROAD RIGHT-OF-WAY ALONG THE NORTH AND EAST PROPERTY LINE.
- 2 EASEMENT TO STATE OF OKLAHOMA, DATED NOVEMBER 15, 1938, FILED JANUARY 20, 1939, RECORDED IN BOOK 1306 AT PAGE 424.
- (3) 15.5' EASEMENT TO TULSA COUNTY, OKLAHOMA, DATED JULY 23, 1954, FILED SEPTEMBER 1, 1954, RECORDED IN BOOK 2491 AT PAGE 348.
- THE LAND GRANTED TO THE STATE OF OKLAHOMA BY THE REPORT OF COMMISSIONERS IN THE DISTRICT COURT OF TULSA COUNTY, STATE OF OKLAHOMA, CASE NO. CJ-85-00991, STYLED STATE OF OKLAHOMA, EX REL DEPARTMENT OF TRANSPORTATION OF THE STATE OF OKLAHOMA, PLAINTIFF VS. BILLY JO RAMSEY AKA BILLY JOE RAMSEY AKA BILL J. RAMSEY AND DONNA M. RAMSEY, HUSBAND AND WIFE; AND TULSA COUNTY TREASURER, DEFENDANTS(\$), DATED JUNE 6, 1985, FILED JUNE 27, 1985, RECORDED IN BOOK 4872 AT PAGE 2431.
- 5 THE LAND GRANTED TO THE STATE OF OKLAHOMA
  BY THE JUDGMENT IN THE DISTRICT COURT OF THE JUDGMENT IN THE DISTRICT COURT OF TULSA COUNTY, STATE OF OKLAHOMA, CASE NO. CJ-85-991, STYLED THE STATE OF OKLAHOMA, EX REL DEPARTMENT OF TRANSPORTATION OF THE STATE OF OKLAHOMA, PLAINTIFF VS. BILLY JO RAMSEY AKA BILLY JOE RAMSEY AKA BILL J. RAMSEY AND DONNA M. RAMSEY, HUSBAND AND WIFE: AND TULSA COUNTY TREASURER, FILED AUGUST 13, 1992, RECORDED IN BOOK 5427 AT PAGE 778.
- 15' EASEMENT AGREEMENT, DATED OCTOBER 15, 2002, FILED NOVEMBER 5, 2002, RECORDED IN BOOK 6861 AT PAGE 2235.



**CERTIFICATE** 

I hereby certify that all real estate taxes involved in

this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the

amount of \$\frac{12,852.00}{} per trust receipt no.

certificate is NOT to be construed as payment of

20 08 taxes in full but is given in order that this plat

may be filed on record. 20 08 taxes milely beseed the

Dated 14-Mar-08-7

Dennis-Sender
Tulsa County Treasures

amount of the security deposit.

9532 to be applied to 20 08 taxes. This

Valley National Bank 4812 East 81st Street Tulsa, Oklahoma 74136 (918) 495-1700

**EAST 141ST STREET SOUTH** 

**LOCATION MAP** 

SCALE: 1" = 2,000'

**DEVELOPER** 

R. 13 E. PROJECT EAST 131ST STREET SOUTH -LOCATION

## **SURVEYOR**

## White Surveying Company

9936 E. 55th Place Tulsa, Oklahoma 74146 (918) 663-6924 Certificate of Authorization No. CA1098 Expires June 30, 2009

## **ENGINEER**

Khoury Engineering, Inc. 1435 East 41st Street Tulsa. Oklahoma 74105 (918) 712-8768 Certificate of Authorization No. 3751 Expires June 30, 2009

## **BASIS OF BEARING**

THE BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 11 BEING ASSUMED S 0011'26" W.

## MONUMENTATION

ALL CORNERS WERE MONUMENTED BY WHITE SURVEYING COMPANY AS NOTED ON PLAT. USING A NO. 3 REBAR WITH PLASTIC CAP #CA 1098 UNLESS OTHERWISE NOTED.

## LEGEND

B/L = BUILDING LINED/E = DETENTION EASEMENTU/E = UTILITY EASEMENT M.A.E. = MUTUAL ACCESS EASEMENT (13124) = ADDRESS (ON MEMORIAL) L.N.A. = LIMITS OF NO ACCESS

## **ADDRESSES**

ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

## FLOOD NOTE

THIS PROPERTY IS LOCATED IN FLOOD ZONE "X-UNSHADED" (NOT WITHIN A SPECIAL FLOOD HAZARD AREA), AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 400207 0610H. EFFECTIVE DATE: SEPTEMBER 22, 1999 AND LOMR DATED 12/21/00.



PREPARED DATE: MARCH 5, 2008

**VNB ADDITION** SHEET 1 OF 2

## Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

Valley National Bank, hereinafter referred to as the "Owner/Developer", is the owner of the following described land in the City of Bixby, Tulsa County, State of Oklahoma, to-wit:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4 NE/4) AND THE NORTH 99 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (N/2 SE/4 NE/4 NE/4 NE/4) OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S GOVERNMENT SURVEY THEREOF.

ALSO KNOWN AS FOLLOWS:

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S GOVERNMENT SURVEY THEREOF, BEGINNING IN THE NORTHEAST CORNER; THENCE SOUTH 415 FEET; THENCE WEST 272 FEET; THENCE SOUTH 80 FEET; THENCE WEST 58 FEET; THENCE NORTH 495 FEET; THENCE EAST 329.8 FEET TO POINT OF ORIGIN.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE/4) OF SECTION ELEVEN (11); THENCE SOUTH 00°11'26" WEST A DISTANCE OF 415.00 FEET; THENCE NORTH 89°59'19" WEST A DISTANCE OF 60.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°59'19" WEST A DISTANCE OF 211.33 FEET; THENCE SOUTH 00°11'26" WEST A DISTANCE OF 80.00 FEET; THENCE NORTH 89°59'19" WEST A DISTANCE OF 58.55 FEET; THENCE NORTH 00°11'16" EAST A DISTANCE OF 455.00 FEET; THENCE SOUTH 89°59'19" EAST A DISTANCE OF 237.80 FEET; THENCE SOUTH 40°54'09" EAST A DISTANCE OF 47.46 FEET; THENCE SOUTH 00°02'13" WEST A DISTANCE OF 339.13 FEET TO THE POINT OF BEGINNING.

and have caused the above described tract of land to be surveyed, staked, platted and subdivided into Two (2) lots and One (1) block, in conformity with the accompanying plat, and has designated the subdivision as "VNB ADDITION", a Subdivision in the City of Bixby, Tulsa County, Oklahoma (hereinafter referred to as "VNB ADDITION" or the "Subdivision").

#### Section I. Easements and Utilities

#### A. General Utility Easements

The Owner/Developer does hereby dedicate for public use the utility easements as depicted on the accompanying plat as "U/E" or "utility easement" for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters, and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid; provided however, the Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the utility easements depicted on the plat, for the purpose of 50 18 18 furnishing water and/or sewer services to the area included in the plat. The Owner/Developer solutions: herein imposes a restrictive covenant, which covenant shall be binding on each lot owner and The Shall be enforceable by the City of Bixby Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction that interferes with the above set forth uses and purposes of an easement shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing, landscaping and customary screening fences and walls that do not constitute an obstruction

## B. Underground Service

· 重要技术的理 (4)

- 1. Overhead lines for the supply of electric, telephone and cable television services may be located within the perimeter easements of the subdivision. Street light poles or standards may be served by overhead line or underground cable and elsewhere throughout the subdivision. All supply lines including electric, telephone, cable television and gas lines shall be located underground in the easement ways dedicated for general utility services and in the rights-of-way of the public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the easement ways.
- 2. Underground service cables and gas service lines to all structures which may be located within the subdivision may be run from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure as may be located upon the lot. Provided that upon the installation of a service cable or gas service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent, effective and non-exclusive right-of-way easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service cable or line extending from the gas main, service pedestal or transformer to the service entrance on the structure.
- 3. The supplier of electric, telephone, cable television and gas services, through its agents and employees, shall at all times have the right of access to all easement ways shown on the plat or otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas facilities installed by the supplier of the utility service.
- 4. The owner of the lot shall be responsible for the protection of the underground service facilities located on his lot and shall prevent the alteration of grade or any construction activity which would interfere with the electric, telephone, cable television or gas facilities. Each supplier of service shall be responsible for ordinary maintenance of underground facilities, but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
- 5. The foregoing covenants set forth in this paragraph B shall be enforceable by each supplier of the electric, telephone, cable television or gas service and the owner of the lot agrees to be bound hereby.

## C. Water, Sanitary Sewer and Storm Sewer Services

- The owner of the lot shall be responsible for the protection of the public water mains, sanitary sewer mains and storm sewers located on his lot.
- 2. Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main, sanitary sewer main or storm sewer, or any construction activity which would interfere with public water mains, sanitary sewer mains or storm sewers shall be prohibited.

- 3. The City of Bixby, Oklahoma, or its successors, shall be responsible for the ordinary maintenance of public water and sewer mains and storm sewers, but the owner of the lot shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner of his lot, his agents or contractors.
- 4. The City of Bixby, Oklahoma, or its successors, shall at all times have right of access to all easements depicted on the accompanying plat, or otherwise provided for in this deed of dedication, for the purpose of installing, maintaining, removing or replacing any portion of underground water or sewer facilities.
- 5. The foregoing covenants set forth in this paragraph C shall be enforceable by the City of Bixby, Oklahoma, or its successors, and the owner of the lot agrees to be bound hereby.

#### D. Gas Service

- 1. The supplier of gas service through its agents and employees shall at all times have the right of access to all such easements shown on the plat or as provided for in this deed of dedication for the purpose of installing, removing, repairing, or replacing any portion of the facilities installed by the supplier of gas service.
- 2. The Owner of the lot shall be responsible for the protection of the underground gas facilities located in their lot and shall prevent the alteration, grade, or any other construction activity which would interfere with the gas service. The supplier of the gas service shall be responsible for the ordinary maintenance of said facilities, but the Owner shall pay for damage or relocation of facilities caused or necessitated by acts of the Owner, or its agents or contractors
- 3. Underground gas service lines to all structures which may be located within the subdivision may be run from the nearest gas main to the point of usage determined by the location and construction of such structure as may be located upon the lot, provided that upon the installation of a service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent and effective easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service line, extending from the gas main to the service entrance on the structure.
- 4. The foregoing covenants set forth in this paragraph shall be enforceable by the supplier of the gas service and the Owner of the lot agrees to be bound hereby.

#### E. Surface and Underground Drainage

- 1. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from streets and easements for the purpose of permitting the flow, conveyance and discharge of storm water runoff from properties within the subdivision. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across any lot. The foregoing covenants set forth in this paragraph shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.
- 2. Drainage facilities or other improvements constructed in the subdivision shall be in accordance with the adopted standards of the City of Bixby, Oklahoma.

### F. Off-Site Drainage

Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from off-site properties and drainage areas of higher elevation and from streets and easements for the purpose of permitting the flow, conveyance and discharge of storm water runoff from off-site properties through the subdivision. No lot owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across any lot. The foregoing covenants set forth in this paragraph shall be enforceable by any affected lot owner and by the City of Bixby, Oklahoma.

## G. Detention Easements

- 1. The owner/developer does hereby dedicate to the City of Bixby, Oklahoma for Public Use an easement (subject to modification) on, over, and across the property designated and shown on the accompanying plat as "Detention Easement" for the purpose of permitting the flow, conveyance, detention and discharge of stormwater runoff from the "Addition".
- Detention, retention, and other drainage facilities constructed within the detention easement area shall be in accordance with the standards and specifications approved by the City of Bixby, Oklahoma.
- 3. No fence, wall, building, or other obstruction may be placed or maintained in the detention easement area nor shall there by any alteration of the grades or contours in such easement area unless approved by the City of Bixby.
- 4. Detention, retention, and other drainage facilities shall be maintained by the Owners of "Lot 1 and Lot 2", to the extent necessary to achieve the intended drainage, retention, and detention functions including repair of appurtenances and removal of obstructions and siltation and the Owners shall provide customary grounds maintenance within the detention easement area.
- 5. In the event the owners of "Lot 1 and Lot 2" should fail to properly maintain the detention, retention, and other drainage facilities or, in the event of the placement of an obstruction within, or the alteration of the grade or contour within the detention easement area, the City of Bixby or its designated contractor may enter and perform maintenance necessary to the achievement of the intended drainage functions and may remove any obstruction or correct any alteration of grade or contour, and the cost thereof shall be paid by the owners of "Lot 1 and Lot 2". In the event the owners fail to pay the cost of maintenance after completion of the repair and receipt of a statement of costs, the City of Bixby, may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against "Lot 1 and Lot 2". A lien established as above provided may be foreclosed by the City of Bixby, Tulsa County, Oklahoma.

## H. Paving and Landscaping within Easements

The owner of the lot shall be responsible for the repair of damage to landscaping and paving occasioned by necessary installation or maintenance of underground water, sewer, storm sewer, natural gas, communication, cable television, or electric facilities within the utility easement areas depicted upon the accompanying plat, provided however, the City of Bixby, Oklahoma or the supplier of the utility service shall use reasonable care in the performance of such activities.

## I. Limits of No Access

The Declarants do hereby relinquish rights of vehicular ingress or egress within any portion of the property adjacent to Public Streets within the bounds designated as "LIMITS OF NO ACCESS" on the accompanying plat, which "LIMITS OF NO ACCESS" may be amended or released by the City of Bixby Planning Commission, or its successor, and ratified by the City of Bixby, Oklahoma, or as otherwise provided by the laws and statutes of the State of Oklahoma pertaining thereto.

## J. Mutual Access Easements

The Owner/Developer hereby grants and establishes a perpetual non-exclusive mutual access easement for the purposes of permitting vehicular and pedestrian passage to and from the lots to and from public streets on, over and across the area within the lots depicted on the accompanying plat as "Mutual Access Easement".

Section II. Enforcement, Duration, Amendment and Severability

#### A. Enforcement

The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner/Developer, its successors and assigns. Within the provisions of Section I. Easements, and Utilities are set forth certain covenants and the enforcement rights pertaining thereto, and additionally the covenants within Section I, whether or not specifically therein so stated, shall inure to the benefit of and shall be enforceable by the City of Bixby, Oklahoma. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants within Section I, it shall be lawful for the City of Bixby or the owner of any lot or parcel within the Subdivision or the Association to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant.

#### B. Duration

These restrictions and covenants, to the extent permitted by applicable law, shall be perpetual but in any event shall be in force and effect for a term of not less than thirty (30) years from the date of the recording of this Deed of Dedication unless terminated or amended as hereinafter provided.

#### C. Amendment

The restrictions and covenants contained within Section I. Easements, and Utilities may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable and approved by the City of Bixby, or its successors. The provisions of any instrument amending or terminating covenants as above set forth shall be effective from and after the date it is properly recorded in the records of the Clerk of Tulsa County.

#### D. Severability

Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any court, or otherwise, shall not invalidate or affect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect.

By: Valley National Bank

By: bug levy
Name: Doug Terry, President and CEO

State of Oklahoma ) ) s.s.

This instrument was acknowledged before me on this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 2008, by Doug Terry, as President and CEO of Valley Mational Bank.

My commission expires

Notary Public

## Certificate of Survey

I, Tom A. Haynes, of White Surveying Company, a Licensed Professional Land Surveyor, in the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as "VNB ADDITION", a Subdivision in the City of Bixby, Tulsa County, State of Oklahoma, is a true representation of the survey made on the ground by me using accepted surveying practices and meets or exceeds the Oklahoma minimum standards for the Practice of Land Surveying as adopted by the State Board of Registration for Professional Engineers and Land Surveyors.

Executed this Gth day of March

Tom A. Haynes Licensed Professional Land Surveyor, Oklahoma No. 1052



State of Oklahoma ) ) s.s.
County of Tulsa )

The foregoing certificate of survey was acknowledged before me this day of \_\_\_\_\_\_\_, 2008 by Tom A Haynes.

My commission expires

Notary Public Oldahoma
OFFICIAL SEAL
Donna M. Collins
Tulea County
08013842

milles. Mander

PREPARED DATE: MARCH 5, 2008

VNB ADDITION
SHEET 2 OF 2

## (Published in the Tulsa Business & Legal News, City of Bixby, Tulsa County, Oklahoma \_\_\_\_\_, 2016.)

ORDINANCE NO.	
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#### "11-4-10: APPEALS TO THE DISTRICT COURT:

- A. Procedure: An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau who were entitled, pursuant to Section 44-108 of this Oklahoma Statutes, title 11, to mailed notice of the public hearing before the board of adjustment, by any person or persons whose property interests are directly affected by such action, decision, ruling, judgment or order of the board of adjustment, or by-of the city council to the Tulsa County District Court.
- B. The appeal shall be taken by filing with the city clerk and with the secretary of the board within ten <u>calendar</u> (10) days from the date of such action, a notice of appeal, which. The notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal.
- C. Upon filing of the notice of appeal, the board shall forthwith transmit to the court clerk of the Tulsa County, the original or certified copies of all papers constituting the record in the case, together with the order, decision or ruling of the board. Said case
- <u>D.</u> The appeal shall be heard and tried de novo in the district court of the appropriate county. An appeal shall be from the action of the district court as in all other civil actions. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from.
- BE. Stay Of Proceedings: An appeal to the district court stays all proceedings in furtherance of the action appealed from unless the chairperson of the board certifies to the court clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the district court. (Ord. 272, 4-2-1974) During the pendency of such an appeal, the effectiveness of a decision of the board of adjustment shall not be suspended unless a party applies to the district court for a stay pending the district court's determination of the merits of the appeal. Notice of such application shall be given by first class mail to all parties, to the district court appeal and to any applicant before the board of adjustment. Upon filing of an application for stay in the district court, all proceedings in furtherance of the action appealed from shall be temporarily stayed pending the outcome of a hearing regarding the stay, which shall be conducted within thirty (30) days of application. The

Court shall determine whether to impose a stay by considering the following factors: (i) the likelihood of success on the merits by the party seeking to impose the stay, (ii) irreparable harm to the property interests of the party seeking to impose the stay if the stay is not imposed, (iii) relative effect on the other interested parties, and (iv) public policy concerns arising out of the imposition of the stay. If the court determines to impose a stay, the court shall require a bond or other security and such other terms as it deems proper to secure the rights of the parties and compensate for costs of delay. A bond or other security shall be posted within ten (10) business days of the court's determination; provided, that a municipal governing body shall not be required to post a bond. Subject to subsection A of Section 990.3 of Title 12 of the Oklahoma Statutes, a stay pursuant to this subsection shall automatically dissolve after a judgment, decree or final order resolving the merits of the appeal is filed with the court clerk. Notwithstanding any provision of law to the contrary, stays in appeals from the board of adjustment to the district court shall be obtained only as set forth in this section.

F. The district court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the board of adjustment unless it shall appear to the district court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions. A party may obtain a stay of the enforcement of the district court's judgment, decree or final order as provided by Section 990.4 of Title 12 of the Oklahoma Statutes."

1	Bixby City Council and PASSED by an affirmative the City Council, to-wit:YES,NO, _ day of October 2016.
	Mayor of the City of Bixby, Oklahoma
affirmative majority vote of at least a four-fifther	ure ruled upon separately and PASSED by an s (4/5) of the entire membership of the Bixby City <b>BSTAINING</b> , <b>ABSENT</b> , on this day of
(Seal) ATTEST:	Mayor of the City of Bixby, Oklahoma
City Clerk APPROVED:	

City Attorney	

#### (Published in the Tulsa Business & Legal News, City of Bixby, Tulsa County, Oklahoma , 2016.)

ORDINANCE NO.	
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#### 11-3-1: DUTY OF BUILDING INSPECTOR AND OTHER CERTAIN OFFICIALS:

- A. It shall be the duty of the building inspector Planning Department, code enforcement officials and other officers and employees designated by the City Manager to enforce this title. If the building inspector the Planning Department or any of these officers or employees shall find that any of the provisions of this title are being violated, he they shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such action to ensure compliance with or to prevent violation of its provisions as is authorized by law.
- B. All departments, officials and employees of the city vested with the duty or authority to issue permits or licenses shall comply with the provisions of this title and shall issue no permit or license for any use, purpose, excavation, construction, structure, building or sign in conflict with the provisions of this title. (Ord. 272, 4-2-1974)

#### 11-3-2: ZONING CLEARANCE PERMIT:

- A. Required: It shall be unlawful for any person, firm or corporation to erect, move, add to or structurally alter any building or structure, or to use or change the use of any building or land, or to permit the aforementioned actions until a zoning clearance permit has been issued by the building inspector Planning Department, or other such officers or employees designated by the City Manager.
- B. Application For Permit: Application for a zoning clearance permit shall be accompanied by a legal description of the lot and plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimension of the lot; the location and dimensions of all easements; the location, size and height of any existing buildings or structures to be erected or altered; the existing and intended use of such building or structure and portion of the lot; the number of dwellings and buildings it intends to accommodate, if any; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this title.
- C. Response To Application For Permit: After an application for a zoning clearance permit is filed in compliance with the provisions—herein\_of this title, the building inspector\_Planning Department, or other such officers or employees designated by the City Manager, shall issue a zoning clearance permit, and copy of submitted plans, or shall notify the applicant, in writing, of his the refusal to issue a permit, setting forth the reason or reasons therefor for refusal. (Ord. 272, 4-2-1974)

#### 11-4-2: POWERS OF BOARD:

The board shall have the power to hear appeals from the determinations of the building inspector any administrative official, officer, department or board of the city in enforcing this title, to grant special exceptions, to grant variances, and to make interpretations of the zoning map and text, in accordance with the substantive and procedural standards hereinafter set forth. (Ord. 272, 4-2-1974)

#### 11-4-4: NOTICE OF PUBLIC HEARING:

- A. The board of adjustment shall give notice and conduct a public hearing before acting on any appeal from a determination of the building inspector any administrative official, officer, department or board of the city, or before granting any special exception, or variance, or minor variance or exception. The board shall set forth in an adopted statement of policy a list of variances and exceptions which constitute minor variances or exceptions and such statement of policy shall be approved by the city council.
- B. Ten (10) days' notice of public hearing shall be given as follows:
  - 1. For special exception, variance or appeal from a determination of the building inspector any administrative official, officer, department or board of the city:
    - a. By publication in a newspaper of general circulation; and
    - b. By mailing written notice to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property.

Provided, however, for minor variance or exception by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the board of adjustment from requiring the giving of public notice of hearings to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property for consideration of a minor variance or exception.

#### 2. The notice shall contain:

- a. The legal description of the property and the street address or approximate location of the property.
- b. The present zoning classification of the property and the nature of the relief sought.
- c. The date, time and place of the hearing.
- C. The applicant shall furnish the names and mailing addresses of all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property, or in the case

of a minor variance or exception, the owners of abutting property. Cost of publication shall be billed to the applicant. (Ord. 288, 2-4-1975; amd. 2006 Code)

#### 11-4-5: FEES:

An application for an appeal from the <u>building inspector Planning Department</u>, a code enforcement <u>official or other officer or employee designated by the City Manager</u>, or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the city council. (Ord. 272, 4 2 1974)

#### 11-4-6: APPEALS FROM-BUILDING INSPECTOR AN ADMINISTRATIVE OFFICIAL:

- A. General: An appeal to the board of adjustment may be taken by any person aggrieved or by any <u>administrative official</u>, officer, department, <u>or</u> board <u>or bureau</u> of the city affected where it is alleged there is error in any order, requirement, decision or determination of the <u>building</u> <u>inspector any administrative official</u>, <u>officer</u>, <u>department or board of the city</u> in the enforcement of this title.
- B. Notice Of Appeal: An appeal shall be taken within ten (10) <u>calendar</u> days from the determination complained of by filing with the <u>building inspector administrative official</u>, <u>officer</u>, <u>department or board of the city</u> a notice of appeal, specifying the grounds <u>thereof for the appeal</u>. The <u>building inspector</u>, <u>upon Upon</u> receipt of notice, <u>the recipient</u> shall forthwith transmit to the secretary of the board certified copies of all the papers constituting the record of <u>said the</u> matter. Upon receipt of the record, the secretary shall set the matter for public hearing <u>before the board of adjustment</u>.
- C. Action Of Board: The board shall hold the public hearing. The board may reverse or affirm, wholly or partly in whole or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three (3) members of the board shall be necessary to reverse or modify any order, requirement, decision or determination of the building inspector administrative official, officer, department or board of the city.
- D. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the <u>building inspector administrative official</u>, <u>officer</u>, <u>department or board of the city</u> from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with <u>him administrative official</u>, <u>officer</u>, <u>department or board</u> that, by reason of facts stated in the certificate, a stay would, in <u>his their</u> opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the board on due and sufficient cause shown. (Ord. 272, 4-2-1974)

#### 11-4-7: INTERPRETATION:

A. The board shall interpret the text of this title or the official zoning map upon an appeal from a determination of the <u>building inspector</u> <u>administrative official</u>, <u>officer</u>, <u>department or board of</u>

	the city after compliance with the proceed 288, 2-4-1975)	redural standards of section 11-4-6 of this chapter. (Ord.
B.	adjustment, upon written request of department or board of the city, may fi	ng district classification of a particular use, the board of the building inspector administrative official, officer, and and determine the classification of the use in question, order the giving of notice and hold a public hearing.
ma —	1	f the Bixby City Council and PASSED by an affirmative p of the City Council, to-wit:YES,NO, nis day of October 2016.
		Mayor of the City of Bixby, Oklahoma
Co	irmative majority vote of at least a four	Measure ruled upon separately and PASSED by an refifths (4/5) of the entire membership of the Bixby CityABSTAINING,ABSENT, on this day of
`	eal) TEST:	Mayor of the City of Bixby, Oklahoma
AP	City Clerk	
	City Attorney	

## **Bixby Planning Commission**

## ~ MEETING PROCEDURES ~ THANK YOU FOR YOUR PARTICIPATION

In order to conduct the zoning public hearing in an orderly manner, we ask that you abide the following rules:

- 1) The Commission will first hear from the Staff:
  - a. Explanation of the proposed item
  - b. Physical facts of the property under application
  - c. Surrounding property
  - d. Presentation of the Staff's recommendation
- 2) The Commission will hear the applicant's presentation (not to exceed 10 minutes)
- 3) The Commission will hear from any interested parties or Protestants.
  - a. Each speaker will have up to 5 minute times
    - i. No Sharing of minutes
    - ii. One (1) opportunity to speak
    - iii. 30 minutes or less total (public hearing portion)
  - b. THOSE WISHING TO SPEAK MUST USE THE SIGN-IN SHEET
- 4) Please For Public Record, if you do choose to speak
  - a. State your name
  - b. State your address
- 5) The Commission will hear the applicant's rebuttal, if any, not to exceed ten (10) minutes.

During the hearing, the Commission may ask questions of staff, the applicant or interested parties.

In the room are representatives of the Legal Department and the City of Bixby Staff. We do have a taping system; therefore, please direct all of your comments into the microphone.



P.O. Box 70 116 W. Needles Ave. Bixby, OK 74008

(918) 366-4430

## STAFF REPORT

**To:** Bixby Planning Commission

**From:** Marcae' Hilton, City Planner

**Date:** Monday, October 17, 2016

**RE:** Discussion, Review and Action on the **Planning Commission 2017** 

Calendar

**REQUEST:** Please discuss, review and take action on the 2017 calendar details for 2017 PLANNING COMMISSION

- 1. Meetings will begin at 6:00 PM
- 2. Third Monday of every month
  \*If there is a City holiday on the regularly scheduled meeting night, the
  meeting will be moved to Tuesday of the same week.
- 3. The due date for applications will be six (6) weeks prior, on Tuesday

MONTH	DATE	DAY OF WEEK	APPLICATION DUE DATE
January	17	*Tuesday	Tuesday, December 6, 2016
February	20	*Tuesday	Tuesday, January 10, 2017
March	20	Monday	Tuesday, February 7, 2017
April	17	Monday	Tuesday, March 7, 2017
May	15	Monday	Tuesday, April 4, 2017
June	19	Monday	Tuesday, May 9, 2017
July	17	Monday	Tuesday, June 6, 2017
August	21	Monday	Tuesday, July 11, 2017
September	18	Monday	Tuesday, August 8, 2017
October	16	Monday	Tuesday, September 5, 2017
November	20**	Monday	Tuesday, October 10, 2017
December	18	Monday	Tuesday, November 7, 2017
January (2018)	16	*Tuesday	Tuesday, December 5, 2017

<sup>\*\*</sup>Week of Thanksgiving